

# **EXHIBIT 32**

Kalhor, Hamid 8/11/2010 9:12:00 AM

21

23

1 sticking in to make sure that the Veeder-Root is accurate.

3 Q. So you would physically put a stick --

4 A. Stick, yeah.

5 Q. -- in the tanks?

6 A. Yes, ma'am.

7 Q. Sorry, I keep talking.

8 Was that a daily event?

9 A. Daily event, yeah.

10 Q. Is that called "sticking" the tank?

11 A. Sticking, yeah.

12 Q. Okay. And whose job was it to physically stick the tank and check?

14 A. Either Moe or depends what time of the day, the cashier who was at the site.

16 Q. Did you have more than one cashier?

17 A. For night shift, I believe so. I don't recall.

19 Q. Was it a 24-hour operation?

20 A. 24 hours operation.

21 Q. And was Moe on site every day, as well?

22 A. Yes, ma'am.

23 Q. Is he -- does he live in the area?

24 A. Yes.

25 Q. Do you know his address off the top of your

1 A. Not off my head, I had so many employees.

2 Q. Have you ever worked directly for any gasoline refiner?

4 A. No.

5 Q. Any of the major oil companies?

6 A. Directly, you mean getting paid from them for doing the job?

8 Q. Correct.

9 A. No.

10 Q. Okay. Do you know how long Fiorentino operated the station?

12 A. I have no idea.

13 Q. What was the name of the station when you were operating it?

15 A. Freeway Mobil.

16 Q. Freeway Mobil?

17 A. Yes, ma'am.

18 Q. Was it ever called Chris Mobil?

19 A. I believe that was Florentino. Flor. We used to call it Flor.

21 Q. Flow?

22 A. Flor.

23 Q. When you started in 2001, did someone from Mobil come out and do any training with you?

25 A. As far as?

22

24

1 head?

2 A. Not really. I know how to get to his house, but I don't know.

4 Q. Do you know which street he lives on? That's how I get home, I close my eyes.

6 A. No.

7 Q. Which city?

8 A. Fountain Valley.

9 Q. Okay. Of the two of you, who would you say spent more time on the site?

11 A. I would say 50/50.

12 Q. Okay. Did you have any other employees who sort of ran the station when you or Moe are not on the site?

15 A. What do you mean by "running the station"? I mean, there must be employees to run the business.

17 Q. Sure.

18 A. But as far as somebody overseeing the employees?

20 Q. Okay. Let's start with that.

21 A. No.

22 Q. So you were the only two managers?

23 A. Yes, ma'am.

24 Q. Do you recall the names of any of the employees who worked for you?

1 Q. As far as making sure you understood all of the equipment and the systems?

3 A. Oh, actually, they -- I sent Majid, my brother, a week to Fairfax for training.

5 Q. Virginia?

6 A. Yes.

7 Q. Hopefully, not in winter?

8 A. Actually, it was.

9 Q. It was winter, wasn't it, October.

10 So other than his training, did you ever go to any?

12 A. No, because I was trained. We get training on regular basis.

14 Q. Can you describe that for me, please, what kind of training?

16 A. Depends what the subject would be at the time.

17 Q. And is that on a yearly basis or how frequent?

18 A. No, usually quarterly basis we had meetings, we had updates, we had training. And I can say ExxonMobil is the worst of them, as far as training and being after the dealer all the time.

22 Q. When you say they're the worst --

23 A. I mean, being good at it that caused problem for operator, extra work.

25 Q. Extra work.



# **EXHIBIT 33**



VALUE, QUALITY, RESPONSE

October 15, 2010  
ERI 3080

Ms. Tamara Escobedo  
Orange County Health Care Agency  
Division of Environmental Health  
1241 East Dyer Road, Suite 120  
Santa Ana, California 92705-5611

Southern California  
Northern California  
Central California  
Pacific Northwest  
New England  
Southwest  
Montana  
Texas

**SUBJECT**

**THIRD QUARTER 2010 GROUNDWATER MONITORING AND STATUS REPORT  
(MARCH 3, 2010 THROUGH AUGUST 31, 2010)  
MOBIL STATION 18G6B  
9024 WARNER AVENUE, FOUNTAIN VALLEY, CALIFORNIA  
OCHCA CASE NO. 00UT008; GLOBAL ID NO. T0605900760**

Dear Ms. Escobedo:

At the request of ExxonMobil Environmental Services (EMES) on behalf of ExxonMobil Oil Corporation, Environmental Resolutions, Inc. (ERI) is submitting the *Third Quarter 2010 Groundwater Monitoring and Status Report* for Mobil Station 18G6B at the above-referenced address (Plate 1). A list of acronyms follows this report.

**RESPONSIBLE PARTY INFORMATION**

Company: ExxonMobil Environmental Services  
Contact: Ms. Maria D. Madden, Project Manager  
Address: 18685 Main Street, Suite 101 PMB 601  
City/Zip: Huntington Beach, California 92648-1719  
Phone: (949) 468-9756

**CONSULTANT CONTACT**

Company: Environmental Resolutions, Inc.  
Contact: Mr. Jeff Aguilar  
Address: 25371 Commercentre Drive, Suite 250  
City/Zip: Lake Forest, California 92630  
Phone: (949) 457-8955

**SITE HISTORY**

July 1998: TRC Alton Geoscience (Alton) advanced four hand-auger borings to depths ranging from 2 to 4 feet bgs beneath each of the four dispensers at the site.

September 1999: Alton drilled soil borings B1 and B2, and installed groundwater monitoring well MW1 to a depth of 25 feet bgs.

November 1999: ERI began quarterly groundwater monitoring and sampling.

June 2000: Alton drilled soil borings B3 through B5, and installed groundwater monitoring wells MW2 through MW5 to total depths of 27 feet bgs.

October 2000: Mobil upgraded the tank-top package, product piping and dispenser units at the site. During station upgrade activities, ERI collected soil samples beneath the former product lines and dispenser units for compliance sampling.

**Environmental Resolutions, Inc.**

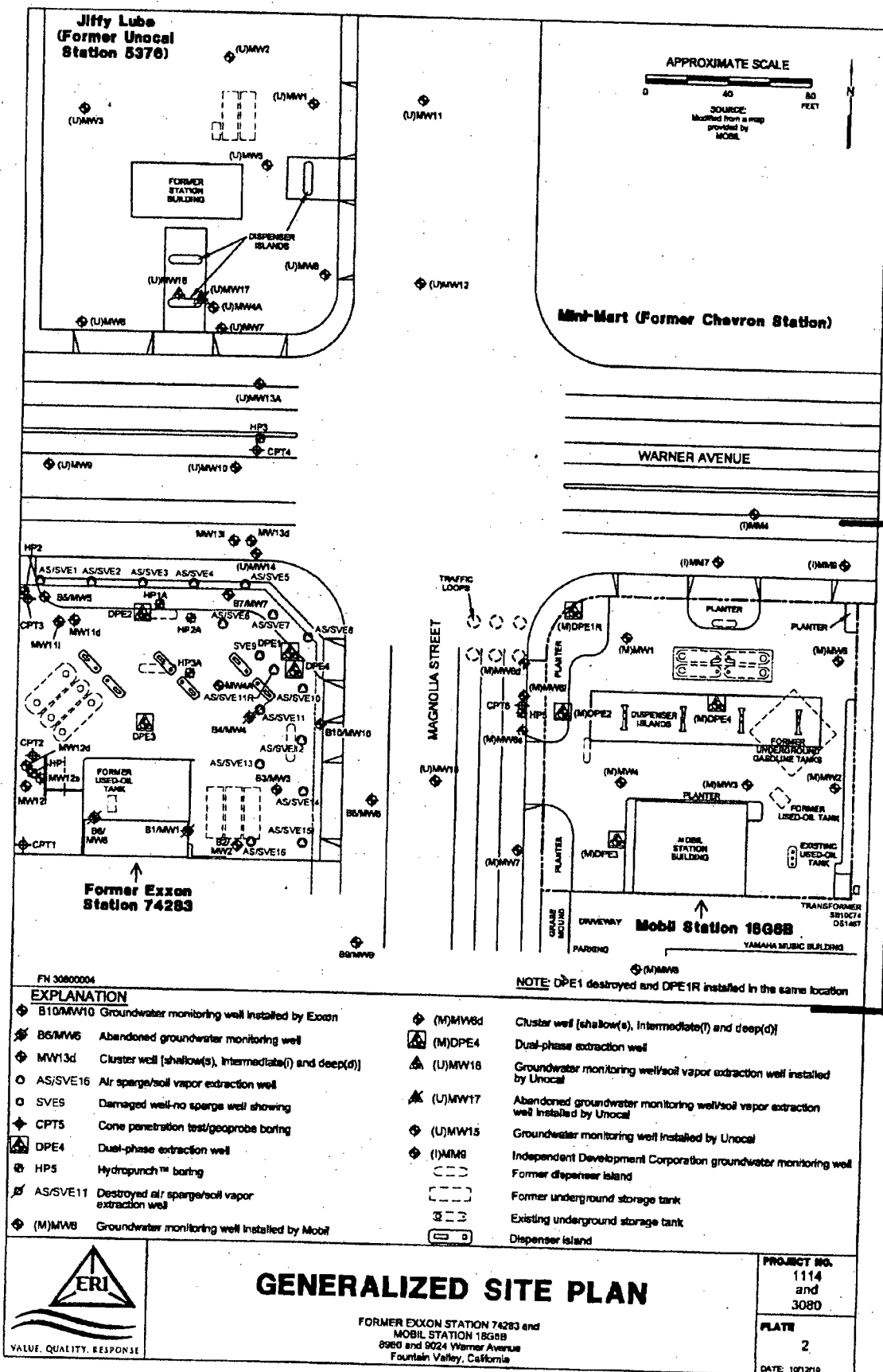
25371 Commercentre Drive, Suite 250, Lake Forest, CA 92630 | Tel: 949.457.8950 | Fax: 949.457.8956 | Contr. Lic. A/C10-6

**EXHIBIT**

**33**

TABLE 2  
WATER LEVEL MEASUREMENTS AND GROUNDWATER ANALYSES  
MOBL STATION 18G68  
3024 WARNER AVENUE  
FOUNTAIN VALLEY, CALIFORNIA  
ERI 3080

Date	Well Elev	GW Depth	GW Elev	TD (feet)	Benzene (ug/l)	Toluene (ug/l)	Ethyl- benzene (ug/l)	Xylenes (ug/l)	TPHs (ug/l)	MTBE (ug/l)	DUPE (ug/l)	ETBE (ug/l)	TAME (ug/l)	TBA (ug/l)	Ethanol (ug/l)	Methanol (ug/l)
Field Point MW1				Well Screen Interval (feet): 5-25												
8/31/2010 X	26.75	8.17	20.58	24.18	<1.0	<1.0	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<10	<10	<10
Field Point MW2				Well Screen Interval (feet): 7-27												
8/31/2010 X	30.27	11.39	18.89	27.21	<1.0	<1.0	<1.0	<1.0	<50	0.71 J (b)	<1.0	<1.0	<1.0	<10	<10	<10
Field Point MW3				Well Screen Interval (feet): 7-27												
8/31/2010 X	29.25	9.68	19.57	24.41	<1.0	<1.0	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<10	<10	<10
Field Point MW4				Well Screen Interval (feet): 7-27												
8/31/2010 X	28.65	10.25	18.40	24.55	<1.0	<1.0	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<10	<10	<10
Field Point MW5				Well Screen Interval (feet): 7-27												
8/31/2010 X	28.95	9.45	20.50	26.95	<1.0	<1.0	<1.0	<1.0	<50	0.68 J (b)	<1.0	<1.0	<1.0	<10	<10	<10
Field Point MW6a				Well Screen Interval (feet): 5-25												
8/31/2010 X	27.78	10.15	17.63	25.38	<1.0	<1.0	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<10	<10	<10
Field Point MW6b				Well Screen Interval (feet): 35-40												
8/31/2010	27.82	12.81	14.81	40.16	<1.0	0.53 J	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<10	<10	<10
Field Point MW6d				Well Screen Interval (feet): 45-50												
8/31/2010	27.73	10.83	17.10	49.25	<1.0	<1.0	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<10	<10	<10
Field Point MW7				Well Screen Interval (feet): 5-25												
8/31/2010 X	27.57	11.48	16.09	25.38	<1.0	<1.0	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<10	<10	<10
Field Point MW8				Well Screen Interval (feet): 5-25												
8/31/2010 X	28.32	12.51	15.81	26.03	<1.0	<1.0	<1.0	<1.0	<50	1.7 J (b)	<1.0	<1.0	<1.0	<10	<10	<10
Field Point DPE1R				Well Screen Interval (feet): 10-30												
8/31/2010	28.72	10.11	19.61	28.88	<1.0	<1.0	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<10	<10	<10
Field Point DPE3				Well Screen Interval (feet): 15-30												
8/31/2010	29.71	12.38	17.33	29.25	<1.0	<1.0	<1.0	<1.0	<50	1.8 J (b)	<1.0	<1.0	<1.0	<10	<10	<10
Field Point DPE4				Well Screen Interval (feet): 5-30												
8/31/2010	29.50	7.91	21.59	27.12	<1.0	1.5	0.36 J	2.3	<50	0.42 J (b)	<1.0	<1.0	<1.0	<10	<10	<10



# **EXHIBIT 34**

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 \_\_\_\_\_  
4 IN RE: METHYL TERTIARY BUTYL : Master File No.  
1:00-1898

5 ETHER ("MTBE") PRODUCTS : MDL 1358 (SAS)

6 LIABILITY LITIGATION : M21-88

7 \_\_\_\_\_  
8 ORANGE COUNTY WATER DISTRICT

9 v.

10 UNOCAL CORP., et al.

11 Case No. 04 Civ. 4968 (SAS)

12

13

14

15

16

17 DEPOSITION OF:

18 HAYK BAZIK

19 TUESDAY, AUGUST 24, 2010

20 1:22 P.M.

21

22

23 REPORTED BY:

24 Kenynia D. Darden

CSR No. 12704

25





1 A. Sure.

2 Q. Okay. For the purposes of my questioning, if  
3 I use the word "station" or "site," I'm going to just  
4 be just talking about the Cypress Station. That's the  
5 only station I'm asking you questions about.

6 Do you understand?

7 A. Yes.

8 Q. Now, you were the dealer at that station in  
9 2003?

10 A. Yes.

11 Q. And in that context, were you responsible for  
12 hiring the employees?

13 A. Yes.

14 Q. And did you have control over firing them as  
15 well?

16 A. Yes.

17 Q. Did you train your employees?

18 A. Yes.

19 Q. Did you train them about gasoline handling?

20 A. Yes.

21 Q. Did you train them that they should not spill  
22 gasoline?

23 A. Yes.

24 Q. And that if there was a spill or a leak that  
25 it should be cleaned up immediately?

1 A. Yes.

2 Q. To the best of your knowledge, did your  
3 employees follow your instructions?

4 A. Yes.

5 Q. Now, as the dealer of the site, did you  
6 understand that you were responsible for complying with  
7 the laws related to gasoline handling?

8 A. Handling?

9 Q. Right. For example, complying with the  
10 underground storage tank requirements?

11 A. Yes.

12 Q. And you understood that you were responsible  
13 for complying with the laws related to operating the  
14 station?

15 A. Yes.

16 Q. Was it your policy to do everything that you  
17 could to follow the rules and the laws to keep the  
18 gasoline safely in the storage facilities?

19 MR. MASSEY: Objection; vague and ambiguous.

20 THE WITNESS: What gasoline?

21 MR. MASSEY: Compound.

22 BY MS. REASS:

23 Q. The gasoline at your station.

24 A. I don't keep it. It goes in the oil tank.

25 Q. Did you follow all the procedures to keep the

1 gasoline from not spilling?

2 A. Yes.

3 Q. And you followed the procedures to keep your  
4 equipment well-maintained?

5 MR. MASSEY: I'm going to object as to the  
6 word "procedures" being vague and ambiguous on this  
7 question and the prior questions.

8 You can answer.

9 BY MS. REASS:

10 Q. And you followed -- you followed your  
11 procedures to keep your equipment maintained so it  
12 wouldn't leak?

13 A. Yes.

14 Q. Okay. You mentioned earlier that you received  
15 a five-star award for having the station being  
16 well-maintained and cleaned?

17 A. In everything, yes.

18 Q. And that was for the Cypress Station?

19 A. All of them.

20 Q. Is that five-star award the highest level that  
21 you can receive?

22 A. Yes. No customer complaint, cleanness  
23 station.

24 Q. As the operator, you did not want the gasoline  
25 to leak out of the dispenses, right?

1 A. Yes.

2 Q. So is this -- is this the UST Monitoring  
3 Program that was referenced in the owner/operator  
4 agreement that we just looked at?

5 A. Yes.

6 Q. So you agree to follow all of the procedures  
7 laid out in this document?

8 A. Correct.

9 Q. Would a similar monitoring program have  
10 governed each of the years that you were a dealer?

11 A. Yes.

12 Q. Okay. I want to introduce Exhibit 20. This  
13 document was Bates number 2MDOCP00990020. It's called  
14 Spill Response Plan.

15 (Plaintiff's Exhibit 20 was marked for  
16 identification by the court reporter and is  
17 attached hereto.)

18 BY MS. REASS:

19 Q. There was some discussion earlier about a  
20 Spill Response Plan. Do you recognize this document?

21 A. Yes.

22 Q. Does this help refresh your recollection as to  
23 whether Tosco provided you with and you agreed to a  
24 Spill Response Plan?

25 A. Yes.

1 Q. What is this document?

2 A. To check out all the station pumps the same  
3 way I told you.

4 Q. So would you say this document accurately  
5 reflects the policies that you agree to regarding how  
6 to handle releases of gasoline at the station?

7 A. Yes.

8 Q. So for minor releases that's where you would  
9 be allowed to clean it up personally?

10 A. Yes.

11 Q. Using absorbant materials along the lines of  
12 the powder that you talked about earlier?

13 A. Yes.

14 Q. Did you follow this procedure regarding minor  
15 releases that occurred at the site --

16 A. Yes.

17 Q. -- for each of the years that you were a  
18 dealer?

19 A. Yes.

20 Q. At the Cypress site?

21 A. Yes.

22 Q. Okay. And for major releases or the second  
23 part of the Spill Response Plan, were those releases  
24 that you'd be responsible for cleaning up?

25 A. The major you're talking about?

1 Q. Uh-huh.

2 A. Above the ground, yes. Under the ground, no.

3 Q. The company asks that you call certain numbers  
4 if a release like this occurred, right?

5 A. Yes.

6 Q. And that would be certain compliance experts?

7 MR. MASSEY: Objection; lacks foundation. And  
8 I want to clarify, when you say "these type of spills"  
9 you're referring to what are major releases?

10 MS. REASS: Yes.

11 BY MS. REASS:

12 Q. In particular, I'm looking at number 8 and  
13 number 10 under major releases. Are those individuals  
14 that you -- are those entities that you were  
15 responsible for contacting in the case of a major  
16 release?

17 A. Yes. 911. Call all contacts.

18 Q. During the time you were a dealer, did you  
19 always follow these requirements?

20 A. Yes.

21 Q. And would a response plan similar to the one  
22 you're looking at now had governed your agreement with  
23 Unocal or Tosco during the time that you were a dealer?

24 A. Yes.

25 Q. Okay. I want to go back to Exhibit 18, which

1 was the owner/operator agreement that I handed --

2 MR. MASSEY: Can I stop you for a second? Was  
3 that a yes or no to that last question?

4 THE WITNESS: What was that last question?  
5 Say it again.

6 (The previous question was read back by the  
7 court reporter as follows:

8 "QUESTION: And would a response plan  
9 similar to the one you're looking at now had  
10 governed your agreement with Unocal or Tosco  
11 during the time that you were a dealer?")

12 (The previous answer was read back by the  
13 court reporter as follows:

14 "ANSWER: Yes.")

15 BY MS. REASS:

16 Q. So I wanted to turn back to Exhibit 18, which  
17 was the owner/operator agreement dated February 7th, of  
18 '97. And I wanted to draw your attention to paragraph  
19 7. And the first sentence there states:

20 "Unocal must be notified of the  
21 detection of any unauthorized  
22 releases by the fastest means  
23 available no later than eight hours  
24 or within the time frame mandated  
25 by the local employment agency

1 And the operator must adhere to the  
2 procedures contained in the Spill  
3 Response Plan."

4 Right?

5 A. Yes.

6 Q. And that occurred during the time you were a  
7 dealer? You followed this policy?

8 A. Yes.

9 Q. And the last thing I want to refer you to  
10 number 9. And this is on the second page of the  
11 document of the exhibit you're holding. And number 9  
12 simply states:

13 "Any unauthorized releases  
14 must be recorded. Such record  
15 shall be maintained on-site  
16 at all times."

17 Now, you previously mentioned you adhered to  
18 this policy you followed that policy as well?

19 A. Yes.

20 Q. And you also previously testified that there  
21 were no leaks during the time that you were a dealer,  
22 right?

23 A. Yes.

24 Q. And so according to this policy, if there was  
25 any unauthorized leak, or leaks, or spills, you would



1 have reported it. And the records would have been  
2 maintained on-site?

3 A. Yes.

4 Q. Okay. Did you know that gasoline was  
5 dangerous throughout the time you operated the station?

6 A. Yes.

7 Q. And that was regardless of the components in  
8 the gasoline?

9 A. Yes.

10 Q. So we talked earlier a little bit about the  
11 MTBE. And you weren't sure if you had heard of it.

12 Would it have made a difference in your  
13 handling of the product?

14 A. No, I heard of it, but I don't know what it  
15 is. The chemical, the use is -- I didn't hear it. I  
16 know the name, but I don't know what's the difference  
17 between each other.

18 MR. MASSEY: I'm going to object to the  
19 question, lacking foundation, and calling for  
20 speculation.

21 BY MS. REASS:

22 Q. Would you have handled the gasoline  
23 differently -- strike that.

24 So you knew gasoline was dangerous in any  
25 form. And you understood that you weren't supposed to

1 A. Gas station, yes, but gasoline, no.

2 Q. Did Unocal, or Tosco, or the company any time  
3 you were the dealer provide you with any kind of  
4 written training or instruction manuals?

5 A. Yes.

6 Q. And can you describe those?

7 A. Most of them was employee -- safety of the  
8 employees. They have -- we call book. They used to  
9 come. And even salesperson, they used to -- we had  
10 class safety for employees where we used to send them  
11 over here in Costa Mesa somewhere training.

12 Q. Did the company ever provide you with any  
13 training on handling the gasoline or preventing leaks  
14 or spills?

15 A. Yes. That's what we were checking on every  
16 day. The tanks, the nozzle, the hose make sure around  
17 the pumps there is no gasoline.

18 Q. Particularly I'm wondering if they provided  
19 you with any written training documents or updates to  
20 your classroom training?

21 A. I don't recall.

22 Q. No. Okay.

23 MS. REASS: That's all the questions I have.

24 MR. MASSEY: Sammy, do you have any questions?

25 MR. DAVIS: Nothing from me. Thank you.

# **EXHIBIT 35**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re:

Methyl Tertiary Butyl Ether ("MTBE") MDL No. 1358 (SAS)  
Products Liability Litigation

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This Document Relates to:  
Orange County Water District v.  
Unocal, et al.,  
Case No. 04 Civ. 4968 (SAS)

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DEPOSITION OF:

GASPER FARACE

Wednesday, August 18, 2010

9:09 a.m.

Reported by:

Stacy L. Duysings

CSR No. 13507



<p style="text-align: right;">Page 14</p> <p>1 station that you're affiliated with?</p> <p>2 A Yes.</p> <p>3 Q Is that the Unocal station Number 5376?</p> <p>4 A I believe that was the number, 5376.</p> <p>5 Q I'll break that in half. First, was that a Unocal</p> <p>6 station?</p> <p>7 A Yes, it was.</p> <p>8 Q Hang on one second. You did correctly anticipate</p> <p>9 where I was going.</p> <p>10 MR. DAVIS: I'll object to lacks foundation.</p> <p>11 BY MR. EICKMEYER:</p> <p>12 Q Well, I'm trying to go establish it here. Was</p> <p>13 there a Unocal station here at the address 8971 Warner</p> <p>14 Avenue in Huntington Beach?</p> <p>15 A Yes, there was.</p> <p>16 MR. DAVIS: Same objections.</p> <p>17 BY MR. EICKMEYER:</p> <p>18 Q And what you were saying a moment ago, you're not</p> <p>19 sure that station was 5376?</p> <p>20 A Correct.</p> <p>21 Q Besides a Unocal station at 8971 Warner Avenue in</p> <p>22 Huntington Beach, have you worked for or at other gasoline</p> <p>23 stations?</p> <p>24 A Yes, I was.</p> <p>25 Q Where is that other station located?</p>	<p style="text-align: right;">Page 16</p> <p>1 like that.</p> <p>2 Q Do you know who actually owned the station when you</p> <p>3 first leased it?</p> <p>4 A No, I don't know. We went through a company that</p> <p>5 manages property and we went through him.</p> <p>6 Q What was the name of that company or person you</p> <p>7 dealt with?</p> <p>8 A I don't remember. The person's first name was</p> <p>9 Patrick, that's all I know. But his office was right on</p> <p>10 Magnolia.</p> <p>11 Q And do you recall approximately when it occurred</p> <p>12 that the station switched over to Unocal?</p> <p>13 A It was right -- probably at the same time that I</p> <p>14 got in there, contacted them.</p> <p>15 Q When you said that in the 1980's, I believe, did</p> <p>16 you get in there toward the early 80's, mid 80's?</p> <p>17 A Mid 80's.</p> <p>18 Q Do you recall what the address of that station was</p> <p>19 or the intersection it was at?</p> <p>20 A Palmdale Drive, I believe, in Costa Mesa.</p> <p>21 Q On Palmdale Drive?</p> <p>22 A Yes.</p> <p>23 Q Do you remember the name of any major intersections</p> <p>24 nearby or any other businesses?</p> <p>25 A Harbor Boulevard was close.</p>
<p style="text-align: right;">Page 15</p> <p>1 A In Costa Mesa.</p> <p>2 Q What was the brand, if any, or the name of the</p> <p>3 station in Costa Mesa?</p> <p>4 A It was Palm Oil.</p> <p>5 Q The station was branded Palm Oil?</p> <p>6 A Yes.</p> <p>7 Q Do you recall what years you worked at that Palm</p> <p>8 Oil station?</p> <p>9 A In the 80's, I know that.</p> <p>10 Q Were you an employee or the dealer? Or what was</p> <p>11 your affiliation with that Palm Oil?</p> <p>12 A Actually, I leased the station as Palm Oil. And</p> <p>13 Unocal came in and did a paint contract on it, which branded</p> <p>14 it Unocal.</p> <p>15 Q I'm sorry. I didn't catch one word you said. Did</p> <p>16 you say a paint contract?</p> <p>17 A That's the terminology they used on it, because</p> <p>18 they painted the building. They put their signs up, so that</p> <p>19 they could supply the fuel.</p> <p>20 Q So when you leased the station as Palm Oil, did you</p> <p>21 then continue to operate it as a Unocal station?</p> <p>22 A Yes, I did. It wasn't leased from Palm Oil. It</p> <p>23 was a Palm Oil station. That's what it was branded. And</p> <p>24 then when I got there, Unocal branded it with their name on</p> <p>25 it. So we were able to use their credit cards and things</p>	<p style="text-align: right;">Page 17</p> <p>1 Q Do you remember what year you stopped being</p> <p>2 affiliated with that station in Costa Mesa?</p> <p>3 A Just towards the late 80's, you know.</p> <p>4 Q When did you first become affiliated with the</p> <p>5 Unocal station at 8971 Warner Avenue in Huntington Beach?</p> <p>6 A I don't recall exact year, but it was about 30</p> <p>7 years ago. I know that.</p> <p>8 Q About 1980?</p> <p>9 A It's possible it was '79 or '78.</p> <p>10 Q And what was your role in 1978 or '79 in regard to</p> <p>11 the station? Were you the dealer then? Or an employee</p> <p>12 then? Or what?</p> <p>13 A I was a dealer.</p> <p>14 Q Did you a lease the station initially? Or what</p> <p>15 kind of relationship did you have?</p> <p>16 A It's a typical Unocal lease. It's a three-year</p> <p>17 lease. Every three years they review it and renew it.</p> <p>18 That's what I had.</p> <p>19 Q Do you recall when you stopped being affiliated</p> <p>20 with that station on Warner Avenue?</p> <p>21 A Yes, I do.</p> <p>22 Q When was that?</p> <p>23 A '92.</p> <p>24 Q Did you have a series of three-year leases, or were</p> <p>25 there different terms involved?</p>

Page 74

1 litter?

2 A Actual kitty litter. They do have a dry sweep you  
3 can use. Kitty litter works probably even better and it's  
4 half the price. That's the reason.

5 Q Was there a certain brand of kitty litter being  
6 used there?

7 A No, I don't recall.

8 Q You mentioned that this kitty litter product was  
9 being used for oil spills?

10 A Yes.

11 Q Do you recall any occasions where that product was  
12 being used to absorb any gasoline leaks or spills?

13 A I had an occasion where a car came in and he had a  
14 fuel leak, he was pouring out in the back in our driveway.

15 The guy got out of the car. He was right near the fuel  
16 tanks too. The first thing I told him was get away from the  
17 car. I didn't want to get near that. I didn't want him to  
18 push it. Didn't want to start it. Didn't want static  
19 electricity, whatever.

20 They came down there. They responded really quick.  
21 I had them come down and they got the car pushed off to the  
22 side, and they used their litter or whatever they have used  
23 it to clean it up. It was about \$40 a bag it cost me to  
24 clean it up. They cleaned it up and isolated the block and  
25 it didn't go any further than that. I remember that.

Page 75

1 Q Do you recall seeing fuel on the ground coming out  
2 of his car?

3 A Yes. Yes.

4 Q About how large was that area?

5 A It was probably about a four-foot area that was wet  
6 of his fuel leak that he had in his car.

7 Q Do you recall about what year that incident  
8 occurred?

9 A It was after the new tanks were put in. So late  
10 80's, I guess.

11 Q When you mentioned it was about \$40 a bag, were you  
12 indicating the fire department charged you for the clean up?

13 A Yes. Yes.

14 Q Did you try to have this customer reimburse you or  
15 pay for the cost?

16 A We might have. Come to think of it, either that,  
17 or we didn't know we got charged until after we left. But I  
18 think we had.

19 Sometimes cars would come in and it would be hot  
20 and stuff. Sometimes people have a problem across the  
21 street, we need a fire extinguisher, we try to charge them  
22 for that. I'm not sure what happened. That was over 20  
23 years ago.

24 Q Do you have any recollection of that gentleman's  
25 name that had that leaking car?

Page 76

1 A No, I don't.

2 Q Do you remember if that was the Huntington Beach  
3 Fire Department, or which agency responded?

4 A Huntington Beach.

5 Q So are you saying at the time the Huntington Beach  
6 Fire Department responded, they used their own absorbent  
7 material?

8 A Yeah. They have it on their vehicles.

9 Q Could you recall if this was a kitty litter type of  
10 product like you had been using, or something different?

11 MR. DAVIS: Objection. Calls for speculation.

12 THE WITNESS: I believe --

13 MR. DAVIS: Lacks foundation.

14 BY MR. EICKMEYER:

15 Q Go ahead.

16 A I believe it was just plain oil dry stuff that they  
17 use. Not too many people know about the kitty litter thing.

18 Q Do you recall ever being told by any of employees  
19 that there had been any gas leaks or spills when you weren't  
20 present at the station?

21 A No.

22 Q Do you remember ever hearing from your employees  
23 that they had to use the kitty litter material to absorb any  
24 gasoline leaks or spills?

25 A On the oil leaks, sometimes you get a vehicle come

Page 77

1 in off the freeway or something, get gas, and there would be  
2 a puddle of oil out there and we don't want to leave that  
3 there for someone to step and fall on it. It's there handy,  
4 and they're supposed to keep it up and clean it up. I  
5 haven't come across a real big one where there was a lot of  
6 it.

7 Q Besides oil leaks, did any of your employees ever  
8 tell you they used the kitty litter material for any  
9 gasoline leaks or spills?

10 A No. I don't remember.

11 (Exhibit 2 was marked  
12 for identification by the Certified Shorthand  
13 Reporter and is attached hereto.)

14 BY MR. EICKMEYER:

15 Q Mr. Farace, we've marked as Exhibit 2 a map. This  
16 is labeled ENSR Site Plan Map for Unocal Service Station  
17 Number 5376. 8971 Warner Avenue, Huntington Beach,  
18 California. There's no bates number on it. There's a date  
19 at the bottom center, July 20th, 2004.

20 I'd ask you to take a look at the streets on the  
21 left center and Warner Avenue and toward the top center is  
22 Magnolia Street.

23 MR. DAVIS: Before -- I want to the object to this. To  
24 the extent you're showing him a document that post dates  
25 activity of the station by 18 years. Go ahead.

20 (Pages 74 to 77)

Page 158

1 taking place at the station site?  
 2 A Not that I can recall.  
 3 Q Are you aware of the nature or extent of any  
 4 investigation activities taking place at the station after  
 5 it closed?  
 6 A No.  
 7 Q Are you aware of the nature or extent of any  
 8 remediation or cleanup taking place at the station after it  
 9 closed?  
 10 MR. DAVIS: Objection. Lacks foundation.  
 11 THE WITNESS: Other than the unit they put on there  
 12 that's supposed to take the fuel out of there, I don't know.  
 13 I would have had that unit there that was processing that  
 14 water. I don't know how it did it, what it did, how long it  
 15 was going to be. It was supposed to be there for a year or  
 16 so. It's still there.  
 17 BY MR. EICKMEYER:  
 18 Q Besides that unit you mentioned and you described  
 19 in driving by of soil excavation, do you recall ever hearing  
 20 of any other remediation or cleanup activity taking place at  
 21 the site?  
 22 A No.  
 23 MR. EICKMEYER: Let me go off the record at this point.  
 24 THE VIDEOGRAPHER: Going off the record at 1:11 p.m.  
 25 (A short break was held.)

Page 159

1 THE VIDEOGRAPHER: Back on the record at 1:32 p.m.  
 2 BY MR. EICKMEYER:  
 3 Q Mr. Farace, I have a few more questions, then we'll  
 4 let Mr. Davis on the phone ask you some.  
 5 Were you ever aware of any tank tightness tests  
 6 being conducted on the underground storage tanks?  
 7 A I don't know what the tank tightness test is.  
 8 Q So you never heard that any were done?  
 9 A No. Tightness test, no. Never heard of it.  
 10 Q Was there a particular amount of gasoline that you  
 11 tried to keep in the tanks, your underground storage tanks?  
 12 MR. DAVIS: Objection. Vague and ambiguous.  
 13 THE WITNESS: Generally, when there's room to put a load  
 14 in, we put a load in. Try to keep it close to as much as we  
 15 can keep in there without overfilling.  
 16 BY MR. EICKMEYER:  
 17 Q Did you ever arrange for any tests or inspections  
 18 to be done to try and determine if the underground storage  
 19 tanks were leaking?  
 20 A No.  
 21 Q I just want to clarify, I think you described, when  
 22 you needed to order gasoline, you described you would place  
 23 a call to do that.  
 24 I just want to the clarify. There was a change  
 25 from Union 76 to Unocal. Was that the method of how you

Page 160

1 ordered gasoline during the entire time you operated the  
 2 station?  
 3 A Yes, it was.  
 4 MR. EICKMEYER: I have no further questions at this  
 5 point. So Mr. Davis, go ahead.  
 6 BY MR. DAVIS:  
 7 Q Mr. Farace, I wanted to thank you for your time. I  
 8 apologize if I have mispronounced your name.  
 9 I'm an attorney representing Unocal Corporation and  
 10 Union Oil Company of California. And I had just a few quick  
 11 questions for you. I'll get you out of here as soon as  
 12 possible.  
 13 For the station at 8971 Warner Avenue, you  
 14 testified earlier that you started a leak there in 1978 or  
 15 1979 for the Union 76 Station that subsequently became a  
 16 Unocal station. And you also testified that you got at  
 17 least a week of training, eight hours of a day, and maybe  
 18 more than that.  
 19 Is that all correct?  
 20 A Yes, that's correct.  
 21 Q You also testified that most of the training  
 22 related to prevention of leaks and spills; is that correct?  
 23 A I wouldn't say most of it, but a very good deal of  
 24 it. There's a lot of TBA training that we had. And  
 25 bookkeeping. And things of that nature.

Page 161

1 Q Okay. But there was a -- is it correct that there  
 2 was an emphasis on leak prevention and spill prevention?  
 3 A I would say, yes.  
 4 Q And that was a training you received at the outset  
 5 right when you started working at the station?  
 6 A Yes. Before we even got into the station.  
 7 Q So from before you even started working at the  
 8 company station, you knew that for the entire time period,  
 9 you knew that it was part of your job to do everything you  
 10 could to prevent spills; correct?  
 11 MR. EICKMEYER: Object as vague and ambiguous. Go  
 12 ahead.  
 13 THE WITNESS: Well, I knew it was part of my job to take  
 14 the readings and to notify the rep when I found something  
 15 that was out of the ordinary. That's exactly what I did.  
 16 BY MR. DAVIS:  
 17 Q Right. And that's what I mean. I just meant that  
 18 you were supposed to maintain the tanks or anything like  
 19 that.  
 20 But you understood that was something you were  
 21 supposed to be on the look out for; correct?  
 22 A Yes, and I did.  
 23 Q And that was the same for leaks, the same concept.  
 24 You knew there the outset of time you worked there based on  
 25 the training from the company that you were supposed to be

41 (Pages 158 to 161)



Page 162

1 on the lookout for leaks and anything abnormal in that I  
 2 regard?  
 3 A Yes. And when we found one to notify Unocal  
 4 immediately, like we did.  
 5 Q So if you were trained that if you ever saw or  
 6 observed anything that made you think there might be a  
 7 spill, you were supposed to immediately notify the company;  
 8 is that right?  
 9 A Yes notify my rep, yes.  
 10 Q And in the case of a leak, was that the same --  
 11 same instruction, that you were to immediately notify the  
 12 company?  
 13 A Yes, which was my rep.  
 14 Q And do you feel that you received -- strike that.  
 15 Is that training, that applied to when you were  
 16 returning to the gas station in 1982, just the same as in  
 17 1991; right?  
 18 A Yes.  
 19 Q So it didn't matter to you if -- would it matter to  
 20 you if it was, for example, you saw an unleaded spill versus  
 21 a premium spill? Would that make any difference?  
 22 A No.  
 23 Q If you saw gasoline that contained -- gasoline is  
 24 gasoline; right?  
 25 A Right. Right. They're both important.

Page 163

1 Q And if gasoline had MTBE in it and you saw a spill,  
 2 you would immediately notify your employer; right? Not your  
 3 employer, your rep?  
 4 MR. EICKMEYER: Vague and ambiguous. Lacks foundation.  
 5 THE WITNESS: I would notify him if it had anything in  
 6 it, any kind of spill.  
 7 BY MR. DAVIS:  
 8 Q Any kind of gasoline, with our without MTBE, you  
 9 knew from the outset of time that you were to immediately  
 10 notify your employer; correct?  
 11 MR. EICKMEYER: Same objections.  
 12 THE WITNESS: Yes.  
 13 BY MR. DAVIS:  
 14 Q That's the same for a leak as well?  
 15 A Yes.  
 16 Q And you may have known that because of common  
 17 sense, but also the company specifically provided you  
 18 training on that point; correct?  
 19 A Yes, they did.  
 20 Q Earlier you had testified that, in addition to this  
 21 training, that reps would come by frequently and that the  
 22 company kept a close watch of the station; is that right?  
 23 A Yeah, the rep was by all the time. Sometimes a  
 24 couple times a week. Sometimes I bothered him with that  
 25 stuff he didn't want to hear. Any time we had a slight

Page 164

1 problem, I went to him.  
 2 Q So in your experience, if you ever had to notify  
 3 the company about anything, were they -- did you find them  
 4 to be responsive and there?  
 5 A Pretty much. I really don't know, because --  
 6 Q Let me -- that was a vague question.  
 7 MR. EICKMEYER: I'm not sure if he was done yet.  
 8 MR. DAVIS: Oh, I'm sorry.  
 9 THE WITNESS: I don't know how he responded to the  
 10 problems I have -- had. I told him if we had a problem. I  
 11 might not hear anything until next week when he comes by  
 12 again how important he thought it was.  
 13 BY MR. DAVIS:  
 14 Q We spent a lot of time discussing the tank removal  
 15 that occurred in 1989. You testified in that situation,  
 16 that there was -- when you noticed a discrepancy in the  
 17 tanks and then had you called Unocal; is that right?  
 18 A I either called them or a told the rep, because the  
 19 rep is there all the time. So if it was his time to come in  
 20 and I handled a discrepancy and he would come in from the  
 21 days. He would look at them and take it from there.  
 22 Q When you raised that issue with your rep, he came  
 23 in that day to begin investigating?  
 24 A Generally, he did. Sometimes he looked at the  
 25 books and he said, "well, let's take the readings again for

Page 165

1 a couple of days and go back and forth."  
 2 And after a week or two to make sure it didn't  
 3 bounce back. And then when he was satisfied that it was  
 4 just either an error or transposing a number or something  
 5 like that, he would just let it go with that.  
 6 Q There was some testimony earlier that you had maybe  
 7 seen around the tank, a volume that you guessed was about  
 8 half a cup of fuel that may have -- when there was  
 9 deliveries made, you said you didn't actually see it spill,  
 10 or you may have seen some discoloration on the ground?  
 11 MR. EICKMEYER: Misstates the testimony.  
 12 THE WITNESS: I don't know if it was half a cup or one  
 13 ounce, but I seen it one time that it looked like there was  
 14 some fuel with the pick up where they put the fuel in while  
 15 I was out there studying the tank.  
 16 BY MR. DAVIS:  
 17 Q Sorry?  
 18 A When I went to stick the tank, I noticed that one,  
 19 few times that there was some moisture down there.  
 20 Q So it could have been less than half a cup?  
 21 MR. EICKMEYER: Speculation.  
 22 THE WITNESS: I wasn't anything, just damp, wet from  
 23 fuel and smelled it. It could have been a residual from the  
 24 hose, I don't know.  
 25 BY MR. DAVIS:

42 (Pages 162 to 165)



<p style="text-align: right;">Page 174</p> <p>1 THE VIDEOGRAPHER: This concludes today's proceeding in  2 the deposition of Gasper Farace.  3 The number of videotapes used is two. We are now  4 going off the record. Time is 1:56 p.m.  5 (Deposition concluded at 1:56 p.m.)  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p style="text-align: right;">Page 176</p> <p>1 REPORTER'S CERTIFICATE  2  3 I, Stacy L. Duysings, Certified Shorthand  4 Reporter, in and for the state of California, do  5 hereby certify:  6  7 That the foregoing witness was by me duly  8 sworn; that the deposition was then taken before me  9 at the time and place herein set forth; that the  10 testimony and proceedings were reported  11 stenographically by me and later transcribed into  12 typewriting under my direction; that the foregoing  13 is a true record of the testimony and proceedings  14 taken at that time.  15  16 IN WITNESS WHEREOF, I have subscribed my  17 name on this 29th day of August, 2010.  18  19  20  21  22  23  24  25</p> <p style="text-align: right;">Stacy L. Duysings, CSR 13507</p>
<p style="text-align: right;">Page 175</p> <p>1 DECLARATION UNDER PENALTY OF PERJURY  2  3  4 I, Gasper Farace, do hereby certify under penalty of  5 perjury that I have read the foregoing  6 transcript of my deposition taken on Thursday, August 19,  7 2010, that I have made such corrections as appear noted  8 herein in ink, initialed by me; that my testimony as  9 contained herein, as corrected, is true and correct.  10  11 DATED this ____ day of _____, 2010,  12 at _____, California.  13  14  15  16  17  18  19  20  21  22  23  24  25</p> <p style="text-align: center;">_____  Gasper Farace</p>	

# **EXHIBIT 36**

ENSR | AECOM

**ENSR**

999 Town & Country Rd., 4<sup>th</sup> Floor, Orange, California 92868-4713  
T.714.973.9740 F 714.973.9750 [www.ensr.aecom.com](http://www.ensr.aecom.com)

January 11, 2008

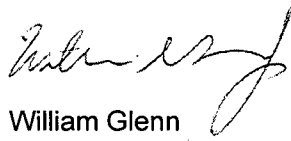
Kevin Lambert  
Orange County Health Care Agency  
1241 East Dyer Road, #120  
Santa Ana, CA 92705

**Subject: Submission of Fourth Quarter 2007 Groundwater Monitoring Report  
Former Unocal Service Station #5376  
8971 Warner Avenue, Huntington Beach, CA  
Case #89UT168**

Dear Mr. Lambert:

Please find attached the subject report for your review. If you have any questions, please contact me at (714) 973-3373 or [wglenn@ensr.aecom.com](mailto:wglenn@ensr.aecom.com).

Sincerely,



William Glenn  
Project Manager

cc: Ms. Nancy Olson-Martin, RWQCB  
Christian Santicola, Jiffy Lube Store #1857  
Roland Mora, Chevron, (via e-mail)



**Table 2**  
Historical Groundwater Elevations and Laboratory Results  
Former Unocal Service Station 5376

Monitoring Well	Sample Collection Date	Top of Casing Elevation (ft-msl)	Total Depth (ft-bmp)	Depth to Groundwater (ft-bmp)	Groundwater Elevation (ft-msl)	pH-G (µg/L)	Benzene (µg/L)	Toluene (µg/L)	Ethyl benzene (µg/L)	Total Xylenes (µg/L)	MTBE (µg/L) 8021B	MTBE (µg/L)	DIFE (µg/L)	ETBE (µg/L)	TAME (µg/L)	TBA (µg/L)	Other VOCs (µg/L)
MW-5	01/16/92	28.35	—	16.64	11.71	—	—	—	—	—	—	—	—	—	—	—	—
MW-5	06/23/92	28.35	—	16.84	11.51	—	0.8	0.6	ND	ND	—	—	—	—	—	—	—
MW-5	09/10/92	28.35	—	17.96	10.39	—	1.5	0.5	ND	ND	—	—	—	—	—	—	—
MW-5	11/11/92	28.01	—	17.15	10.86	—	—	—	—	—	—	—	—	—	—	—	—
MW-5	12/17/92	28.01	—	16.53	11.48	—	0.9	1.3	ND	ND	—	—	—	—	—	—	—
MW-5	03/31/93	28.01	—	12.85	15.16	—	—	—	—	—	—	—	—	—	—	—	—
MW-5	06/16/93	28.01	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
MW-5	09/21/93	28.01	—	15.23	12.78	—	120	0.5	16	ND	—	—	—	—	—	—	—
MW-5	12/14/93	28.01	—	14.68	13.33	—	ND	ND	ND	ND	—	—	—	—	—	—	—
MW-5	01/28/94	28.01	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
MW-5	03/25/94	28.01	—	13.61	14.4	—	ND	ND	ND	0.5	—	—	—	—	—	—	—
MW-5	06/23/94	28.01	—	14.17	13.84	—	1.4	ND	ND	0.9	—	—	—	—	—	—	—
MW-5	09/21/94	28.01	—	15.45	12.56	—	0.9	ND	ND	0.9	—	—	—	—	—	—	—
MW-5	12/15/94	28.01	—	14.00	14.01	—	2.6	7.8	5	28	—	—	—	—	—	—	—
MW-5	03/14/95	28.15	—	11.57	16.58	—	ND	ND	ND	ND	—	—	—	—	—	—	—
MW-5	06/14/95	28.15	—	12.24	15.91	—	0.34	4.6	ND	1.1	—	—	—	—	—	—	—
MW-5	09/12/95	28.15	—	—	—	—	61	ND	3.7	2.8	—	—	—	—	—	—	—
MW-5	09/12/95	—	—	—	—	—	170	1.1	13	7.4	—	—	—	—	—	—	—
MW-5	07/01/96	28.15	40.00	10.70	17.45	—	360	21	8.6	39.4	71	—	—	—	—	—	—
MW-5	09/16/96	28.15	40.00	12.45	15.7	—	308	18	8.5	6.5	100	—	—	—	—	—	—
MW-5	12/07/96	28.15	37.45	13.35	14.8	—	200	3	ND	1.2	130	—	—	—	—	—	—
MW-5	03/03/97	28.15	37.45	12.29	15.86	—	120	1	ND	ND	65	—	—	—	—	—	—
MW-5	06/09/97	28.15	37.45	13.95	14.2	—	190	13	0.68	4.1	50	—	—	—	—	—	—
MW-5	12/15/97	28.15	—	—	—	—	ND	ND	ND	ND	7.9	—	—	—	—	—	—
MW-5	03/02/98	28.15	20.10	10.80	17.35	—	ND	ND	ND	ND	ND	—	—	—	—	—	—
MW-5	06/04/98	28.15	20.10	12.41	15.74	—	1.7	ND	3.7	ND	22	—	—	—	—	—	—
MW-5	08/31/98	28.15	20.10	16.54	11.61	—	ND	ND	ND	0.64	ND	—	—	—	—	—	—
MW-5	12/11/98	28.15	20.10	14.45	13.7	—	53	0.57	0.84	2.6	ND	—	—	—	—	—	—
MW-5	02/08/99	28.15	17.79	13.30	14.85	—	89	0.98	ND	ND	5	—	—	—	—	—	—
MW-5	05/20/99	28.15	17.79	12.92	15.23	—	ND	ND	ND	ND	6.4	—	—	—	—	—	—
MW-5	08/11/99	28.15	18.85	14.61	13.54	—	57	0.52	ND	1	7	—	—	—	—	—	—
MW-5	11/17/99	28.15	18.90	14.64	13.51	—	51	0.94	1.2	3.3	ND	—	—	—	—	—	—
MW-5	02/08/00	28.15	18.85	13.80	14.35	—	ND< 50	0.46	ND< 0.3	ND< 0.6	ND< 5	—	—	—	—	—	—
MW-5	05/24/00	28.15	18.85	13.91	14.24	—	ND< 50	0.6	ND< 0.3	0.84	ND< 5	—	—	—	—	—	—
MW-5	08/24/00	28.15	18.88	14.72	13.43	—	ND< 50	0.89	ND< 0.3	ND< 0.6	ND< 5	—	—	—	—	—	—
MW-5	11/21/00	28.15	18.82	14.97	13.18	—	ND< 50	ND< 0.3	ND< 0.3	ND< 0.6	ND< 5	—	—	—	—	—	—
MW-5	11/18/04	28.15	18.88	—	—	—	—	—	—	—	—	—	—	—	—	—	—
MW-5	02/08/05	28.15	18.82	—	—	—	—	—	—	—	—	—	—	—	—	—	—
MW-5	08/04/05	28.15	16.79	8.82	19.33	—	ND< 0.26	ND< 0.35	ND< 0.17	ND< 0.59	—	0.36 J	ND< 0.33	ND< 0.39	ND< 0.33	ND< 3.9	PCE (0.61J), TCE (0.56J)
MW-5	10/13/05	28.15	18.15	9.44	18.71	—	ND< 0.26	ND< 0.35	ND< 0.17	ND< 0.59	—	ND< 0.29	ND< 0.33	ND< 0.39	ND< 0.33	ND< 3.9	PCE (0.61J), TCE (0.56J)
MW-5 (DUP)	10/13/05	28.15	18.15	9.44	18.71	—	ND< 0.26	ND< 0.35	ND< 0.17	ND< 0.59	—	ND< 0.29	ND< 0.33	ND< 0.39	ND< 0.33	ND< 3.9	PCE (0.61J), TCE (0.56J)
MW-5	03/07/06	28.15	18.15	9.04	19.11	—	ND< 0.26	ND< 0.35	ND< 0.17	ND< 0.59	—	0.40 J	ND< 0.33	ND< 0.39	ND< 0.33	ND< 3.9	—
MW-5	06/07/06	28.15	18.15	9.01	19.14	—	ND< 0.26	ND< 0.35	ND< 0.17	ND< 0.59	—	0.31 J	ND< 0.33	ND< 0.39	ND< 0.33	ND< 3.9	—
MW-5	09/07/06	28.15	18.79	6.68	21.47	—	ND< 0.26	ND< 0.35	ND< 0.17	ND< 0.59	—	0.40 J	ND< 0.33	ND< 0.39	ND< 0.33	ND< 3.9	—
MW-5 DUP-1	09/07/06	—	—	—	—	—	ND< 0.26	ND< 0.35	ND< 0.17	ND< 0.59	—	0.42 J	ND< 0.33	ND< 0.39	ND< 0.33	ND< 3.9	—
MW-5	12/15/06	28.15	19.16	9.81	18.34	—	ND< 0.26	ND< 0.35	ND< 0.17	ND< 0.59	—	ND< 0.5	ND< 0.33	ND< 0.39	ND< 0.33	ND< 3.9	—
MW-5	02/27/07	28.15	19.13	9.35	18.80	—	ND< 0.26	ND< 0.35	ND< 0.17	ND< 0.59	—	ND< 0.5	ND< 0.33	ND< 0.39	ND< 0.33	ND< 3.9	—
MW-5	05/31/07	28.15	19.18	10.00	18.15	—	ND< 0.26	ND< 0.35	ND< 0.17	ND< 0.59	—	ND< 0.5	ND< 0.33	ND< 0.39	ND< 0.33	ND< 3.9	—
MW-5	08/22/07	28.15	19.42	12.08	16.07	—	ND< 0.26	ND< 0.35	ND< 0.17	ND< 0.59	—	ND< 0.5	ND< 0.33	ND< 0.39	ND< 0.33	ND< 3.9	—

6 of 21

**Table 2**  
Historical Groundwater Elevations and Laboratory Results  
Former Unocal Service Station 5376

Monitoring Well	Sample Collection Date	Top of Casing Elevation (ft-msl)	Total Depth (ft-bmp)	Depth to Groundwater (ft-bmp)	Groundwater Elevation (ft-msl)	TPH-G (µg/L)	Benzene (µg/L)	Toluene (µg/L)	Ethylbenzene (µg/L)	Total Xylenes (µg/L)	MTBE (µg/L) 8021B	MTBE (µg/L)	DIPE (µg/L)	ETBE (µg/L)	TAME (µg/L)	TBA (µg/L)	Other VOCs (µg/L)
MW-16-D	05/31/07	—	—	—	—	960	99	ND<0.5	47	75	—	41	ND<0.5	ND<0.5	ND<0.5	26	Isopropylbenzene (5.0 J) n-Propylbenzene (7.0) 1,2,4-Trimethylbenzene (75) 1,3,5-Trimethylbenzene (7.0) Naphthalene (23)
MW-16	08/22/07	~29.63	30.39	13.32	16.31	720	47	ND<0.5	31	41	—	30	ND<0.5	ND<0.5	ND<0.5	20 J	Manganese (1,390) Sulfate (680,000) CRP (620) Ferrous Iron (2,500) Methane (510) Isopropylbenzene (4.0 J) n-Propylbenzene (5.0) 1,3,5-Trimethylbenzene (4.0 J) 1,2,4-Trimethylbenzene (65) Naphthalene (24)
MW-16	11/14/07	29.63	—	14.41	15.22	5,400	450	0.6 J	360	590	—	16	ND<0.5	ND<0.5	ND<0.5	19 J	Isopropylbenzene (17) n-Propylbenzene (24) 1,3,5-Trimethylbenzene (93) 1,2,4-Trimethylbenzene (630) sec-Butylbenzene (2.0 J) p-Isopropyltoluene (3.0 J) Naphthalene (240) Acetone (9.0 J)
MW-17	03/02/98	—	31.40	20.53	—	54,000	7,400	12,000	430	6,300	240	—	—	—	—	—	—
MW-17	06/04/98	—	31.40	14.42	—	59,000	8,000	8,700	270	8,100	280	—	—	—	—	—	—
MW-17	08/31/98	—	31.40	23.43	—	ND	8	ND	1.4	0.69	ND	—	—	—	—	—	—
MW-17	12/11/98	—	31.40	17.75	—	ND	0.96	ND	ND	ND	ND	—	—	—	—	—	—
MW-17	02/08/99	—	31.04	15.22	—	330	5.1	2.9	8.2	44	8.4	—	—	—	—	—	—
MW-17	05/20/99	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
MW-17	08/11/99	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
MW-17	11/17/99	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
MW-17	02/08/00	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
MW-17	05/24/00	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Notes:  
ft-bmp = Feet below measuring point (notch in top of casing)  
ft-msl = Feet above mean sea level

µg/L = micrograms per liter

ND = non detect at or below laboratory detection limit

J = Estimated value. Analyte detected between reporting limit and equal to or greater than the detection limit.

\* The sample chromatographic pattern for TPH does not match the specified standard. Qualitation of the unknown hydrocarbon(s) in the sample was based upon the specified standard.

TPH-G = Total petroleum hydrocarbons as Gasoline

MTBE = Methyl Tertiary Butyl Ether

DIPE = Di-Isopropyl Ether

ETBE = Ethyl Tertiary Butyl Ether

TAME = Tertiary Amyl Methyl Ether

TBA = Tertiary Butanol

VOCs = Volatile Organic Compounds

-- = not measured / not analyzed

c-1,2-DCE = cis-1,2-Dichloroethene

TCE = Trichloroethene

# **EXHIBIT 37**



Infrastructure, environment, buildings

Ms. Geniece Higgins  
Orange County Health Care Agency  
Hazardous Materials Mitigation Section  
1241 East Dyer Road  
Santa Ana, California 92705

ARCADIS  
3150 Bristol Street  
Suite 250  
Costa Mesa  
California 92626  
Tel 714 444 0111  
Fax 714 444 0117  
[www.arcadis-us.com](http://www.arcadis-us.com)

Subject:  
Quarterly Monitoring Report Submittal

ENVIRONMENTAL

Dear Ms. Higgins:

Date:  
June 30, 2010

On behalf of Chevron Environmental Company (CEMC), ARCADIS is submitting the enclosed Second Quarter 2010 Groundwater Monitoring Report. The enclosed quarterly report was prepared for the following Chevron facility:

Contact:  
Lynleigh Lowry

<u>Chevron Facility No.</u>	<u>OCHCA Case No.</u>	<u>Location</u>
30-6631	89UT168	8971 Warner Avenue Huntington Beach, California

Phone:  
714.755.7257

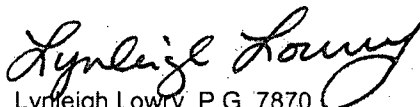
Email:  
[Lynleigh.Lowry@arcadis-us.com](mailto:Lynleigh.Lowry@arcadis-us.com)

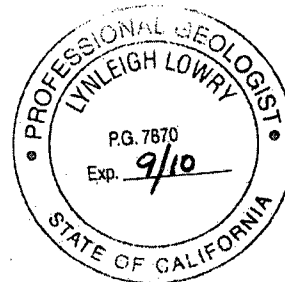
If you have any questions, please call me at (714) 755-7257.

Our ref:  
B0060901.6631

Sincerely,

ARCADIS

  
Lynleigh Lowry, P.G. 7870  
Senior Geologist



Copies:

Mr. Rob Speer, Chevron EMC (STRATA)  
Ms. Nancy Olson-Martin, Santa Ana Regional Water Quality Control Board  
Mr. Scott Knode, Property Owner

Imagine the result



Table 1. Current Groundwater Analyses and Gauging Results  
Chevron Environmental Management Company  
Chevron Service Station No. 30-6631  
8971 Warner Avenue, Huntington Beach, California

Well ID	Date Sampled	Screen Interval (ft bgs)	Top of Casing (ft MSL)	Depth to GW (ft bgs)	Depth of Well (ft bgs)	TPHg (µg/L)	Benzene (µg/L)	Toluene (µg/L)	Ethylbenzene (µg/L)	Total Xylenes (µg/L)	MtBE (µg/L)	ETBE (µg/L)	DIPE (µg/L)	TAME (µg/L)	TBA (µg/L)	Ethanol (µg/L)	Comments	
Top of Casing Corrected with GeoTracker; cis-1,2-Dichloroethene: 1.4µg/L Trichloroethene: 3.2µg/L																		
MW-1	6/15/2010	10-40	29.33	10.50	18.83	38.88	ND<0.50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150		
MW-2	6/15/2010	9-39	30.70	11.29	19.41	39.80	ND<0.50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Top of Casing Corrected with GeoTracker	
MW-3	6/15/2010	9-39	30.09	10.48	19.61	38.09	ND<0.50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Top of Casing Corrected with GeoTracker	
MW-4A	6/15/2010	9-39	31.08	12.43	18.65	26.35	ND<0.50	2.7	ND<0.50	1.2	6.6	ND<1.0	ND<5.0	ND<5.0	ND<10	ND<150	Naphthalene: 1.4µg/L	
MW-5	6/15/2010	10-40	29.50	10.91	18.59	38.36	ND<0.50	0.58	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Top of Casing Corrected with GeoTracker; Trichloroethene: 1.4µg/L	
MW-6	6/15/2010	10-40	29.69	--	--	--	--	--	--	--	--	--	--	--	--	--	Unable to locate well	
MW-7	6/15/2010	10-40	29.63	12.17	17.46	39.29	ND<0.50	8.5	ND<0.50	ND<0.50	2.0	2.1	ND<5.0	ND<5.0	ND<10	ND<150	--	
MW-8	6/15/2010	10-40	30.96	14.49	16.47	39.11	ND<0.50	ND<0.50	ND<0.50	ND<1.0	1.1	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Top of Casing Corrected with GeoTracker; cis-1,2-Dichloroethene: 1.5µg/L	
MW-9	6/15/2010	10-40	29.82	14.05	15.77	39.97	ND<0.50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	--	
MW-10	6/15/2010	10-40	29.61	16.15	13.46	40.11	470	50	ND<0.50	12	34	ND<1.0	ND<5.0	ND<5.0	ND<10	ND<150	n-Butylbenzene: 1.9µg/L; sec-Butylbenzene: 1.5µg/L; Isopropylbenzene: 17µg/L; Naphthalene: 65 µg/L; n-Propylbenzene: 29µg/L; 1,2,4-Trimethylbenzene: 7.8µg/L; 1,3,5-Trimethylbenzene: 2.5µg/L	
MW-11	6/15/2010	13-43	29.09	11.10	17.99	42.28	ND<0.50	0.72	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Top of Casing Corrected with GeoTracker	
MW-12	6/15/2010	13-43	29.24	13.34	15.90	42.71	ND<0.50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Top of Casing Corrected with GeoTracker; cis-1,2-Dichloroethene: 5.1µg/L; Trichloroethene: 7.6µg/L	
MW-13A	6/15/2010	15-30	28.94	13.29	15.65	27.29	270	3.4	ND<0.50	3.5	1.3	8.0	ND<5.0	ND<5.0	ND<5.0	13	ND<150	Isopropylbenzene: 5.5µg/L; Naphthalene: 3.8µg/L; n-Propylbenzene: 5.8µg/L
MW-14	6/15/2010	4-29	28.61	14.36	14.25	28.89	480	ND<0.50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<10	ND<150	sec-Butylbenzene: 1.5µg/L	
MW-15	6/15/2010	5-30	28.58	15.17	13.41	29.30	ND<0.50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Top of Casing Corrected with GeoTracker	



# **EXHIBIT 38**



Infrastructure, environment, buildings

Ms. Geniece Higgins  
Orange County Health Care Agency  
Hazardous Materials Mitigation Section  
1241 East Dyer Road  
Santa Ana, California 92705

ARCADIS  
3150 Bristol Street  
Suite 250  
Costa Mesa  
California 92626  
Tel 714 444 0111  
Fax 714 444 0117  
www.arcadis-us.com

Subject:

Fourth Quarter 2010 – Quarterly Monitoring Report – Depth Discrete Sampling  
Submittal

ENVIRONMENTAL

Dear Ms. Higgins:

Date:  
January 12, 2011

On behalf of Chevron Environmental Company (CEMC), ARCADIS is submitting the  
enclosed report for the following Chevron facility:

Contact:  
Chris Ota

<u>Chevron Facility No.</u>	<u>OCHCA Case No.</u>	<u>Location</u>
30-6631	89UT168	8971 Warner Avenue Huntington Beach, California

Phone:  
714.755.7220

Email:  
Chris.Ota@  
arcadis-us.com

If you have any questions, please call me at (714) 755-7220.

Our ref:  
B0060901.6631

Sincerely,

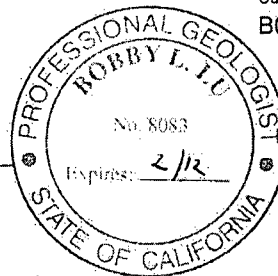
ARCADIS

A handwritten signature in cursive script, appearing to read "Chris Ota".

Christopher A. Ota  
Project Scientist

A handwritten signature in cursive script, appearing to read "Bobby Lu".

Bobby Lu, P.G. 8083  
Principal Environmental Scientist



Copies:

Mr. Rob Speer, Chevron EMC (STRATA)  
Ms. Nancy Olson-Martin, Santa Ana Regional Water Quality Control Board  
Mr. Scott Knode, Property Owner



Imagine the result

**Table 1. Current Groundwater Gauging and Analytical Results**  
**Chevron Environmental Management Company**  
**Former Chevron Service Station No. 30-6631**  
**8971 Warner Avenue, Huntington Beach, California**

Sample/ Well ID	Date Sampled	Screen Interval (ft bgs)	TOC (ft MSL)	DTGW (ft bTOC)	GW Elevation (ft MSL)	DTB (ft bTOC)	TPH-g (µg/L)	Benzene (µg/L)	Toluene (µg/L)	Ethyl- benzene (µg/L)	Total Xylenes (µg/L)	MTBE (µg/L)	ETBE (µg/L)	DIPE (µg/L)	TAME (µg/L)	TBA (µg/L)	Ethanol (µg/L)	Comments
MW-4A	12/9/2010	9-39	31.08	11.42	19.66	26.32	77	1.0	ND<0.50	5.7	23	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	—
MW-6	12/9/2010	10-40	29.69	11.88	17.81	37.32	ND<50	ND<0.50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Depth discrete sampling
MW-7-17	12/9/2010	10-40	29.63	11.24	18.39	39.32	ND<50	ND<0.50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Depth discrete sampling
MW-7-22	12/9/2010	10-40	29.63	11.24	18.39	39.32	ND<50	ND<0.50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Depth discrete sampling
MW-7-26	12/9/2010	10-40	29.63	11.24	18.39	39.32	ND<50	ND<0.50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Depth discrete sampling
MW-7-38	12/9/2010	10-40	29.63	11.24	18.39	39.32	ND<50	ND<0.50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Depth discrete sampling
MW-10-17	12/9/2010	10-40	29.61	15.70	13.91	39.74	730	140	1.1	13	8.0	ND<2.0	ND<10	ND<10	ND<10	ND<20	ND<300	Depth discrete sampling
MW-10-22	12/9/2010	10-40	29.61	15.70	13.91	39.74	520	110	1.0	9.4	3.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Depth discrete sampling
MW-10-26	12/9/2010	10-40	29.61	15.70	13.91	39.74	330	61	0.64	5.1	1.7	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Depth discrete sampling
MW-10-38	12/9/2010	10-40	29.61	15.70	13.91	39.74	210	29	ND<0.50	2.2	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Depth discrete sampling
MW-13A-17	12/9/2010	15-30	28.94	12.83	16.11	27.43	340	4.0	ND<0.50	ND<0.50	ND<1.0	1.8	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Depth discrete sampling
MW-13A-22	12/9/2010	15-30	28.94	12.83	16.11	27.43	320	3.0	ND<0.50	ND<0.50	ND<1.0	1.8	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Depth discrete sampling
MW-13A-26	12/9/2010	15-30	28.94	12.83	16.11	27.43	330	2.9	ND<0.50	ND<0.50	ND<1.0	2.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Depth discrete sampling
MW-14-17	12/9/2010	4-29	28.61	14.83	13.78	28.89	ND<50	5.4	ND<0.50	ND<0.50	1.3	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Depth discrete sampling
MW-14-22	12/9/2010	4-29	28.61	14.83	13.78	28.89	53	1.2	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Depth discrete sampling
MW-14-26	12/9/2010	4-29	28.61	14.83	13.78	28.89	53	ND<0.50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Depth discrete sampling
MW-16-17	12/9/2010	16-31	29.63	10.43	19.20	30.54	4,400	11	ND<5.0	120	ND<10	ND<10	ND<50	ND<50	ND<50	ND<100	ND<1500	Depth discrete sampling
MW-16-22	12/9/2010	16-31	29.63	10.43	19.20	30.54	4,100	9.7	ND<5.0	93	ND<10	ND<10	ND<50	ND<50	ND<50	ND<100	ND<1500	Depth discrete sampling
MW-16-26	12/9/2010	16-31	29.63	10.43	19.20	30.54	3,900	8.8	ND<5.0	84	ND<10	ND<10	ND<50	ND<50	ND<50	ND<100	ND<1500	Depth discrete sampling
Trip Blank	12/9/2010	—	—	—	—	—	ND<50	ND<0.50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	—

**Notes:** ft bgs = Feet below ground surface

TOC = Top of Casing

ft MSL = Feet above mean sea level

DTGW = Depth to Groundwater

bTOC = Below top of casing

DTB = Depth to bottom

µg/L = Micrograms per liter

TPH-g = Total petroleum hydrocarbons as gasoline analyzed by gas chromatography/mass spectrometry (GC/MS) by EPA Method 8260B

MTBE = Methyl tert-butyl ether analyzed by EPA Method 8260B

ETBE = Ethyl tert-butyl ether analyzed by EPA Method 8260B

DIPE = Di-isopropyl ether analyzed by EPA Method 8260B

TAME = Tert-amyl methyl ether analyzed by EPA Method 8260B

TBA = Tert-butanol analyzed by EPA Method 8260B

ND<0.50 = Not detected at or above the stated limit

EPA = environmental protection agency

Benzene, toluene, ethylbenzene, and total xylenes (collectively termed BTEX) analyzed by EPA Method 8260B

Wells MW-1 through MW-3, MW-5, MW-8, MW-9, MW-11, MW-12, and MW-15 not sampled during 4Q10 per agency approval letter dated December 6, 2010.

# **EXHIBIT 39**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



Jul 22 2010  
1:55PM

In re: Methyl tertiary Butyl Ether ("MtBE")  
Products Liability Litigation

Master File No. 1:00-1898  
MDL No. 1358 (SAS)

This Document Relates To:

*Orange County Water District v. Unocal, et al.,*  
04 Civ. 4968

**DEFENDANT UNION OIL COMPANY OF CALIFORNIA'S RESPONSE TO CMO #75**

1. In response to CMO # 75 and the request of Plaintiff Orange County Water District, Defendant Union Oil Company of California ("Union Oil") submits the following response to CMO #75. Union Oil's response here is limited to its ownership or lease of USTs that were used to store gasoline during the relevant time period. For the purposes of the above styled action, the relevant time period is 1986 to 2003. Union Oil's response is also limited to its ownership or lease of the real property and USTs at the Focus Plume Sites. Subject to and without wavier of the above limitations, Union Oil responds as follows:

2. As a result of the 1997 divestiture to Tosco and the passage of time, Union Oil no longer has access to certain information and documents sought by these requests. For example, Union Oil has very few records pertaining to the following service stations that were acquired by Tosco Corporation in 1997: Unocal #5226 and Unocal #5792. Upon information and belief, certain records pertaining to these sites may be in the possession of Tosco or its successors. Union Oil's records pertaining to Unocal #5399, Unocal #5376, and Unocal #5123 are similarly limited, as Union Oil closed these service stations in the early 1990's.



3. **Unocal #5376, 8971 Warner Ave., Huntington Beach.** Union Oil owned the USTs at the subject site from a date prior to 1986 until approximately January 1993 when the tanks were removed. Unocal owned the real property at 8971 Warner Ave. from a date prior to 1986. The station at this location was closed in March 1992.

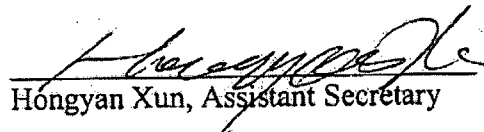
4. **Unocal #5399, 9525 Warner Ave., Fountain Valley.** Union Oil owned the USTs at the subject site from a date prior to 1986 until approximately January 1994 when the tanks were removed. Unocal owned the real property at 9525 Warner Ave. from a date prior to 1986 until approximately 1998.

5. **Unocal #5123, 14972 Springdale St., Huntington Beach.** Union Oil owned the USTs at the subject site from a date prior to 1986 until approximately 1994 when the tanks were removed. Unocal owned the real property at 14972 Springdale St. from a date prior to 1986. The station at this location was demolished in approximately 1994.

6. No one person for Union Oil knows all of the matters stated herein, and therefore this declaration was prepared with the assistance and advice of representatives of, and counsel for, said Union Oil upon whose assistance and advice I have relied. This declaration is limited by the records and information still in existence, presently recollected, and thus far discovered.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at San Ramon, California, this 21<sup>st</sup> day of July, 2010.

  
Hongyan Xun, Assistant Secretary

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22 day of July 2010, a true, correct, and exact copy of the foregoing document was served on all counsel via LexisNexis File & Serve.

Jeremiah J. Anderson By permission  
Jeremiah J. Anderson *J. Kulpatrik*

# **EXHIBIT 40**

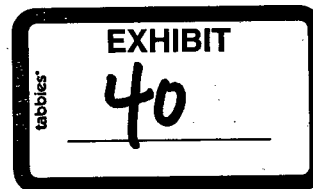


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ORANGE COUNTY WATER DISTRICT, )  
 )  
Plaintiff, )  
 )  
VS. ) Case No. 04 CIV. 4968  
 )  
UNOCAL CORPORATION, et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

VIDEOTAPED DEPOSITION of SANG U. KWON,  
taken on behalf of the Plaintiff, at 650 Town Center  
Drive, Fourth Floor, in the City of Costa Mesa,  
California, commencing at 1:11 p.m., on Monday,  
August 23, 2010, before Denise Paholski, Certified  
Shorthand Reporter No. 10742 in the State of  
California.

--oOo--



Deposition of Sang U. Kwon / August 23, 2010

Page 2

1 APPEARANCES:  
 2 For the Plaintiff ORANGE COUNTY WATER DISTRICT:  
 3 LAW OFFICES OF MILLER, AXLINE & SAWYER  
 4 BY: JUSTIN MASSEY, ESQ.  
 5 1050 Fulton Avenue, Suite 100  
 6 Sacramento, California 95825  
 (916) 488-6688

For the Defendants CHEVRON CORPORATION, including  
 UNION OIL COMPANY OF CALIFORNIA and UNOCAL  
 CORPORATION:

KING & SPALDING, LLP  
 BY: SAMUEL DAVIS, ESQ. (via speakerphone)  
 1100 Louisiana, Suite 4000  
 Houston, Texas 77002  
 (713) 276-7304

For the Defendant LYONDELL CHEMICAL COMPANY:  
 BLANK ROME LLP  
 BY: MICHAEL MURPHY, ESQ. (via speakerphone)  
 One Logan Square  
 130 North 18th Street  
 Philadelphia, Pennsylvania 19103  
 (215) 569-5500

Also present:

Joshua Headrick, Videography Technician  
 Raymond B. Oh, Korean Interpreter

Page 4

COSTA MESA, CALIFORNIA - MONDAY, AUGUST 23, 2010

1:11 P.M.

-oOo-

THE VIDEOGRAPHER: Good afternoon. Here  
 begins Videotape No. 1, Volume I in the deposition  
 of Sang Kwon, in the matter of Methyl Tertiary Butyl  
 Ether Products Liability Litigation, in the United  
 States District Court, Southern District of New  
 York, Master File No. 1:00-1898, MDL 1358(SAS),  
 M21-88, also in the matter of Orange County Water  
 District v. Unocal Corporation, et al., Case No. 04  
 Civ. 4968.

Today's date is August 23rd, 2010. The  
 time is approximately 1:11 p.m. This deposition is  
 being taken at 650 Town Center Drive, Costa Mesa,  
 California. The court reporter producing the  
 official transcript of today's testimony is Denise  
 Paholski of Depobook Court Reporting Services, (800)  
 830-8885. The videographer is Joshua Headrick, also  
 of Depobook.

Would counsel please identify yourselves  
 and state whom you represent.

MR. MASSEY: Justin Massey for the  
 plaintiff, Orange County Water District. On the

Page 3

## INDEX

WITNESS:	PAGE
Sang U. Kwon	
Examination by Mr. Massey	5, 160
Examination by Mr. Davis	146

## EXHIBITS FOR IDENTIFICATION

NUMBER	DESCRIPTION	PAGE
1 -	Notice of Deposition of Sang U. Kwon with Production of Documents and Videotaping, 13 pages	13
2 -	Site Plan Bates-stamped UOC 118320	27
3 -	Document dated October 15th, 1992 from Alton Geoscience, Bates-stamped UOC 19979 through UOC 19992	80
4 -	Letter from County of Orange Health Care Agency to Tufan Ince, dated 4/15/87, Bates-stamped UOC 121742, 121743 and 121744	89
5 -	Tank Closure Report	122
6 -	Document from Alton Geosciences dated 8/10/95, Bates-stamped UOC 118322 through UOC 118329	126
7 -	Environmental Clean-Up Authority Proposal, dated 7/15/94, Bates-stamped UOC 121767 through 121770	128
8 -	Hand drawn depiction by witness at deposition, 1 page	146

Page 5

phone?

MR. MURPHY: Mike Murphy, Blank Rome, LLP,  
 for Liondell.

MR. DAVIS: Samuel Davis, with King and  
 Spalding, for the Chevron defendants.

THE VIDEOGRAPHER: Would the court  
 reporter please swear in the witness.

RAYMOND B. OH,  
 having been first duly administered the oath, was  
 called as an interpreter to interpret English into  
 Korean and Korean into English, and;

SANG U. KWON,  
 called as a Witness by and on behalf of the  
 Plaintiff, and having been first duly sworn by the  
 Deposition Officer, was examined and testified as  
 follows:

## EXAMINATION

BY MR. MASSEY:

Q Good afternoon, Mr. Kwon.

A Hello.

Q Would you state your name and spell your  
 name for the record.

2 (Pages 2 to 5)

Page 6	Page 8
<p>1 A Last name first or first name first?</p> <p>2 Q First name first.</p> <p>3 A Sang U. Kwon, K-w-o-n.</p> <p>4 Q And your first name is S-a-n-g, correct?</p> <p>5 A Yes.</p> <p>6 Q What is your home address?</p> <p>7 A 2145 Flame Flower Lane, Fullerton,</p> <p>8 California 92833.</p> <p>9 Q And that's Flame Thrower Lane?</p> <p>10 A Flame Flower Lane.</p> <p>11 Q Flame Flower Lane.</p> <p>12 A Lane.</p> <p>13 Q And what is your home phone number?</p> <p>14 A It has been a while. I recently just</p> <p>15 changed my phone number, so. (714) 736-0787.</p> <p>16 Q And do you plan to stay at that residence</p> <p>17 indefinitely?</p> <p>18 A Sure, and up to now.</p> <p>19 Q And do you plan to keep that phone number</p> <p>20 indefinitely?</p> <p>21 A Yes.</p> <p>22 Q We're here primarily to talk about the gas</p> <p>23 station at 14972 Springdale Street in Huntington</p> <p>24 Beach.</p> <p>25 Q Did you operate that station?</p>	<p>1 under penalty of perjury as if we were in a court of</p> <p>2 law?</p> <p>3 A Yes.</p> <p>4 Q It's important -- as you see, we have a</p> <p>5 court reporter here -- that she be able to write</p> <p>6 down everything you say and everything I say. And</p> <p>7 so I would ask you to allow me to finish my</p> <p>8 question, even if you know what I'm going to ask,</p> <p>9 before you begin your answer.</p> <p>10 Do you understand that?</p> <p>11 A Yes.</p> <p>12 Q It's also important that you give verbal</p> <p>13 responses. So if I ask you a yes or no question,</p> <p>14 for example, rather than nodding your head, you say</p> <p>15 yes or no.</p> <p>16 Do you understand that?</p> <p>17 A Yes.</p> <p>18 Q It's also important that you understand my</p> <p>19 questions. If you don't understand my question at</p> <p>20 any time, let me know and I will clarify it or</p> <p>21 restate it.</p> <p>22 A Yes.</p> <p>23 Q We're entitled to your best recollection</p> <p>24 of the time period that you owned the station but I</p> <p>25 don't want you to guess. If I ask you a question</p>
Page 7	Page 9
<p>1 A No.</p> <p>2 Q Did you operate a station on Springdale</p> <p>3 Street in Huntington Beach?</p> <p>4 A A long time ago, yes.</p> <p>5 Q Okay. What was the address?</p> <p>6 A (In English) 14972 Springdale, Huntington</p> <p>7 Beach.</p> <p>8 Q And do you recall whether that station was</p> <p>9 designated by Unocal as Station No. 5123?</p> <p>10 A (In English) 5123. 5123.</p> <p>11 Q Okay. And what years did you operate that</p> <p>12 station?</p> <p>13 A It was probably 1982 or '83. I think '82</p> <p>14 is more accurate. And in 1994, it was around the</p> <p>15 summer of '94, I passed a key on to someone. To the</p> <p>16 company.</p> <p>17 Q Okay. And we'll talk in more detail about</p> <p>18 that station. Before we do, I want to go over some</p> <p>19 of the basic ground rules so you know how we'll go</p> <p>20 forward today.</p> <p>21 Have you ever had your deposition taken</p> <p>22 before?</p> <p>23 A No, never.</p> <p>24 Q You understand that you just took an oath</p> <p>25 to tell the truth, and that your testimony here is</p>	<p>1 and you don't recall or don't have any information</p> <p>2 about what I'm asking about, you can just let me</p> <p>3 know that you don't know.</p> <p>4 A Yes, yes.</p> <p>5 Q From time to time some of the lawyers on</p> <p>6 the phone may make objection to my question. If</p> <p>7 that happens, allow them to make their objections</p> <p>8 for the record and then you may answer the question.</p> <p>9 A Yes.</p> <p>10 Q When we're done, you will have a chance to</p> <p>11 review a draft of the transcript and make any notes</p> <p>12 where you think the transcript has not accurately</p> <p>13 transcribed your testimony.</p> <p>14 A Yes.</p> <p>15 Q I just want you to know that when you go</p> <p>16 through the transcript, if you make any changes, be</p> <p>17 sure they are changes designed to reflect accurately</p> <p>18 your testimony here today because any changes you</p> <p>19 make could affect your credibility as a witness if</p> <p>20 your deposition is used at trial.</p> <p>21 A Yes.</p> <p>22 Q Are you under the influence of any</p> <p>23 medications, drugs or alcohol that would prevent you</p> <p>24 from giving clear and accurate testimony?</p> <p>25 A No.</p>

Page 66	Page 68
<p>1 specific station.</p> <p>2 MR. MASSEY: Well, I think there was some</p> <p>3 specific testimony about specific spills but also a</p> <p>4 broader subject of talking about the general</p> <p>5 process.</p> <p>6 Q Did you understand the questions I've been</p> <p>7 asking about your procedures for responding to</p> <p>8 spills and for maintaining the station on a</p> <p>9 day-to-day basis to be about this particular station</p> <p>10 in Huntington Beach that you operated?</p> <p>11 A Yes.</p> <p>12 Q Okay. And throughout the time that you</p> <p>13 leased that station, did you repair cars in the</p> <p>14 service bays?</p> <p>15 A No.</p> <p>16 Q Did you have employees who did?</p> <p>17 A No.</p> <p>18 Q Was somebody else operating an auto shop</p> <p>19 on the station?</p> <p>20 A Before I take them over, that station,</p> <p>21 they have repair car and they serve gas. I don't</p> <p>22 know who, but then that man go away, that station</p> <p>23 was complete closed. That's why I take them over.</p> <p>24 Q And was any part of the station replaced</p> <p>25 or changed in any way between the time that the</p>	<p>1 Q Did Union Oil own the building where</p> <p>2 the --</p> <p>3 A Yeah.</p> <p>4 Q Did they own the underground storage</p> <p>5 tanks?</p> <p>6 A I think so.</p> <p>7 Q Did they own the dispensers?</p> <p>8 A Yes.</p> <p>9 Q And did they own the product lines</p> <p>10 which --</p> <p>11 A Yes, yes.</p> <p>12 Q -- connected the tanks to the dispensers?</p> <p>13 Okay. Did you have any responsibility for</p> <p>14 maintaining the underground storage tanks?</p> <p>15 A Uh-uh.</p> <p>16 Q Did you have any responsibility for</p> <p>17 maintaining --</p> <p>18 MR. DAVIS: Object. Mr. Massey, I think</p> <p>19 he's kind of falling into this "uh-huh" and "uh-uh"</p> <p>20 stuff. Maybe that's just what I'm hearing over the</p> <p>21 phone. But if I could just remind the witness to</p> <p>22 try and say yes or no on these questions, I think it</p> <p>23 will make a more clear record.</p> <p>24 MR. MASSEY: Okay.</p> <p>25 Q Yeah, it's hard to remember all these</p>
Page 67	Page 69
<p>1 prior operator left the station and you took over?</p> <p>2 A No, there's nothing changed.</p> <p>3 Q Okay. And so the part of the station</p> <p>4 where the hoists were and the auto shop was just</p> <p>5 empty?</p> <p>6 A Empty. They closed.</p> <p>7 Q So nothing took place during that part of</p> <p>8 the station throughout the time that you leased the</p> <p>9 station?</p> <p>10 A No.</p> <p>11 Q Okay. Were the underground storage tanks</p> <p>12 replaced during the time that you were at the</p> <p>13 station?</p> <p>14 A Uh-uh.</p> <p>15 MR. DAVIS: Was that a no?</p> <p>16 MR. MASSEY: He said no, yes.</p> <p>17 BY MR. MASSEY:</p> <p>18 Q You meant no?</p> <p>19 A No.</p> <p>20 Q Do you recall ever -- well, let me first</p> <p>21 ask the question.</p> <p>22 Did Mobile own -- strike that.</p> <p>23 Did Union Oil own the real property, the</p> <p>24 real estate on which the station sat?</p> <p>25 A That I don't know. That I don't know.</p>	<p>1 things because it's not the way we normally talk,</p> <p>2 but if you can say yes or no.</p> <p>3 MR. DAVIS: And his answer was no to the</p> <p>4 question about whether or not he had any</p> <p>5 responsibility for maintaining the tanks; am I</p> <p>6 right?</p> <p>7 BY MR. MASSEY:</p> <p>8 Q Did you have any responsibility for</p> <p>9 maintaining the underground storage tanks?</p> <p>10 A Responsibility is Union Oil, not me.</p> <p>11 Q Okay. Union Oil had the responsibility --</p> <p>12 A Yes.</p> <p>13 Q -- for the tanks?</p> <p>14 A Yes.</p> <p>15 Q Not you as the dealer?</p> <p>16 A Yes. Because something happened at tank,</p> <p>17 we report to the Union Oil and they got order to</p> <p>18 repair it or -- you know.</p> <p>19 Q Okay. And was Union Oil also responsible</p> <p>20 for maintaining the product lines between the tanks?</p> <p>21 A Yes.</p> <p>22 Q And Union Oil was responsible for</p> <p>23 maintaining the dispensers?</p> <p>24 A Yes.</p> <p>25 Q Did you have any responsibility as the</p>

<p style="text-align: right;">Page 70</p> <p>1 <u>dealer for the dispensers; for example, the nozzles</u>  2 <u>and hoses on the outside of the dispensers?</u>  3 A Dealer responsibility is there is a hose  4 crack or a hose broke or nozzle broke. All those is  5 dealer responsible.  6 Q Okay. Did you also have to replace the  7 fuel filters on the dispensers?  8 A Fuel filter is not our responsibility.  9 That's Union Oil. We call the maintenance.  10 Q Did you ever see one of the tops off of  11 the dispensers while somebody from the company was  12 working on it or one of their contractors were doing  13 any repairs or replacing any parts?  14 A Say it again.  15 Q Do you recall any instances where somebody  16 was out working on the dispensers and they had the  17 top off and you could see the inside of it?  18 A Do I seen them?  19 Q Yes.  20 A Yeah, I seen them.  21 Q Do you recall whether it was dirt  22 underneath the dispenser that you could see?  23 A Yeah, there is a dirt. Like kind of sand.  24 Q Was there a containment pan underneath it  25 to catch any leaks of gas or was it just dirt</p>	<p style="text-align: right;">Page 72</p> <p>1 A Yeah, maybe -- when warm weather comes one  2 time or two time, whenever the rains in rain season,  3 we have to watch it. So maybe that time is maybe  4 two, three time.  5 Q So two to three times a year?  6 A Yeah.  7 Q During the raining season?  8 A Yeah. If hard rain, it goes to on the gas  9 tank, easy to water go in it.  10 Q And does that indicate that there's a  11 problem with the seals on the surface at the fuel  12 tube or with the dispensers or anything else, if  13 rain's getting into the tanks?  14 A Well, if a lot of rains, like you pool the  15 water, there is a tank cap. Maybe that goes through  16 the cap. Or, or even if not done, if that tank is  17 getting old, say many years, it's wet inside. It  18 created water in self. Then the water is heavy than  19 the gas and the water is under.  20 Q And how does a tank create water if it's  21 old? You mean by condensation?  22 A Condensation?  23 THE INTERPRETER: Condensation.  24 BY MR. MASSEY:  25 Q Condensation.</p>
<p style="text-align: right;">Page 71</p> <p>1 underneath the dispenser?  2 A There is no pan. There is a sand, dirt.  3 Q Did the company ever send anybody to come  4 out and test the underground storage tanks?  5 A Yes, they do.  6 Q How often would they do that?  7 A We report when in the rain seasons. And  8 if water going to turbine or water tank -- I mean  9 not the water tank -- the gas tank, maybe go in,  10 water inside the tank. So at least two, three time  11 a week, whoever measures that depth of tank check  12 the water. If there is more than -- a water level  13 more than was supposed to, that goes in the report  14 immediately to the maintenance company and they come  15 and get the water drain out.  16 Q And how many times did that happen where  17 you called the company to report that there was more  18 water in the tanks than should have been there?  19 A Maybe -- I don't think -- not all the  20 time. It's maybe many years' time. You know? Only  21 rainy season we have to watch it. It could be that  22 water goes to in the customer car. So that's our  23 job. That's our responsibility.  24 Q And did you -- did that happen multiple  25 times a year during the raining season or once --</p>	<p style="text-align: right;">Page 73</p> <p>1 A What is a condensation?  2 (Witness confers with Interpreter.)  3 Q While he's looking it up, I'll try to  4 describe it for you.  5 THE INTERPRETER: Apchuk.  6 THE WITNESS: Apchuk, yeah.  7 BY MR. MASSEY:  8 Q That's what you mean? That's how the  9 water gets into an old tank sometimes?  10 A It created inside for self.  11 Q Okay. Let me ask you specifically. Did  12 the company ever send somebody out to test the tanks  13 for tightness where you had to shut down the station  14 for a few hours and they would run tests on the  15 tanks to make sure --  16 A Yeah.  17 Q -- they contained the gas that was in --  18 A They check the -- when they check the tank  19 and between the tank to the pump.  20 Q The lines? The lines check?  21 A The lines. And it can take sometime four  22 hours. Yeah.  23 Q Would that happen on a regular schedule,  24 every half year or every few months?  25 A No. Maybe every year. Not all the time.</p>



Page 102

1 Get the other one, other nozzle and old one.  
 2 Q And same with the hoses, would you just  
 3 replace them --  
 4 A Yeah.  
 5 Q -- rather than try to fix them?  
 6 A Mm-hmm. You cannot fix it anyway. I  
 7 don't have those kind equipment.  
 8 Q All right. And if your nozzle didn't  
 9 automatically shut off, would it overfill somebody's  
 10 gas tank and that's how you would know that it  
 11 needed to be replaced?  
 12 A If that nozzle, it doesn't work, it cannot  
 13 overfill because already the shutoff handle is not  
 14 working so you cannot pump anyway.  
 15 Q And did you ever have any times when the  
 16 hoses were cracked or there was a hole in it and the  
 17 gas leaked out?  
 18 A There is no gas leaking. I just see that  
 19 there is any leak, any crack, just replace them.  
 20 Q Okay. Did you have a way of keeping  
 21 records when you weren't at the station for any time  
 22 that sand was needed when you had a fuel spill to be  
 23 put out and cleaned up? Did your employees have  
 24 like a log, for example, where they would record  
 25 fuel spill and they cleaned it up using the sand?

Page 103

1 A No, no. They just call me.  
 2 Q If it was a big enough spill?  
 3 A Yeah. If big enough to spill and just put  
 4 the whole sand. Get the soaking up.  
 5 Q But they wouldn't call you about every  
 6 little spill?  
 7 A No.  
 8 Q They would just call you --  
 9 A The small spills, just a dry mop (sic).  
 10 Q The mop?  
 11 A Yeah, mop. See, in my shop, our operation  
 12 is every station I owned -- and you know there is an  
 13 AQMD. You know AQMD?  
 14 Q Air Quality --  
 15 A Air Quality Management.  
 16 Q Yeah.  
 17 A Their rule: Supposed to be each station  
 18 dry mop, bucket sand have to be in an island. And  
 19 also the oil company, they told us, too, no water.  
 20 That's what I know I did.  
 21 Q For cleaning up a spill of fuel?  
 22 A Yes.  
 23 Q No water --  
 24 A Yeah.  
 25 Q -- it was the sand or the mop.

Page 104

1 A Or engine drop any engine oil. All those.  
 2 Q Okay. See if you can allow me to finish  
 3 my question. I just want to clarify. So the rule  
 4 was in terms of cleaning up a fuel spill, not water  
 5 but either the mop or the sand?  
 6 A Sand.  
 7 MR. DAVIS: Objection. Asked and  
 8 answered.  
 9 BY MR. MASSEY:  
 10 Q And was it AQMD's rule that the sand, once  
 11 it had been scooped up after it had be used, would  
 12 be left in an open container to evaporate?  
 13 A Yeah.  
 14 Q Did the nozzles drip at the station while  
 15 you were leasing it?  
 16 A Not all the time. Once in a while. Once  
 17 in a time they do, yeah. Not whole lot drip. Just  
 18 if a customer leave gasoline, some of them. They  
 19 didn't drip them all. So sometime when people busy,  
 20 they just leave. And whoever comes, he pull out the  
 21 nozzle like that, he drip a few drips. It don't  
 22 happen very often.  
 23 Q So sometimes if a customer was in a rush  
 24 and pulled their nozzle out pretty quickly --  
 25 A Yes.

Page 105

1 Q -- some drips would fall on the ground?  
 2 A Yeah, mm-hmm. Or a customer, he knew or  
 3 he don't know, whatever, he grabs the nozzle,  
 4 accidentally he can pull the trigger. Shoot, right?  
 5 That maybe nearly happened. Yeah.  
 6 Q So somebody would accidentally pull the  
 7 trigger on the nozzle before it was in their car and  
 8 a little bit of gas would shoot out?  
 9 A Yeah, yeah. He make mistake. That is not  
 10 all the time. Sometime it could be happen and you  
 11 have to wash with water quickly.  
 12 Q And how often would the type of drip where  
 13 the customer would be in a rush and pull it out too  
 14 fast happen?  
 15 A Not for many years. Sometime. I see one  
 16 time. Not that station, uh-uh.  
 17 Q But did that happen as a regular part of  
 18 the gasoline business --  
 19 A Yeah.  
 20 Q -- that some drips come out of the nozzle  
 21 in the process of filling up people's cars?  
 22 A Yeah.  
 23 Q And did that happen at the Huntington  
 24 Beach station?  
 25 A Not the Huntington Beach station.

27 (Pages 102 to 105)

Deposition of Sang U. Kwon / August 23, 2010

Page 166

1 LETTER TO DEPOSITION OFFICER - ERRATA SHEET

2 Legend

Reason #1: For clarification

3 Reason #2: Transcription error

Reason #3: Requested information

4 Reason #4: To further expound on answer

Reason #5: Other (please explain)

5

PAGE# LINE# CORRECTION REASON FOR CORRECTION

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18

I, the undersigned, declare under penalty of perjury that I have read the above-referenced deposition transcript and have made any corrections, additions, or deletions that I was desirous of making and that the transcript contains my true and correct testimony.

21

EXECUTED this \_\_\_ day of \_\_\_\_\_, 20\_\_

22

at \_\_\_\_\_

(city)

(state)

23

24

(deponent)

25

1 STATE OF CALIFORNIA )

) SS

2 COUNTY OF ORANGE )

3

4

I, DENISE PAHOLSKI, CSR, No. 10742, a Certified Shorthand Reporter in and for said County and State, do hereby certify:

6

7

That prior to being examined, the witness named in the foregoing deposition, SANG U. KWON, by me was duly sworn to testify the truth, the whole truth, and nothing but the truth;

10

11

That said deposition was taken down by me in shorthand at the time and place therein named and thereafter reduced to computerized transcription under my direction and supervision, and I hereby certify the foregoing deposition is a full, true and correct transcript of my shorthand notes so taken.

16

17

I further certify that I am neither counsel for nor related to any party to said action nor in anywise interested in the outcome thereof.

19

20

IN WITNESS WHEREOF, I have hereunto subscribed my name this 2nd day of September, 2010.

22

23

DENISE PAHOLSKI, RPR, CSR #10742  
in and for the State of California

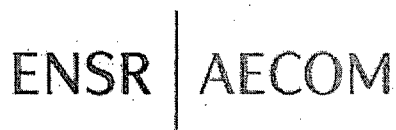
24

25

43 (Pages 166 to 167)

# **EXHIBIT 41**





ENSR | AECOM

999 Town & Country Road  
4<sup>th</sup> Floor  
Orange, California 92868  
(714) 973-9740  
Fax (714) 973-9750  
[www.ensr.com](http://www.ensr.com)

January 14, 2008

Mr. Kevin Lambert  
Orange County Health Care Agency  
1241 East Dyer Rd; Suite 120  
Santa Ana, California 92705-5611

**Subject: OCHCA Case #87UT82**

**RE: Quarterly Groundwater Monitoring Report, Fourth Quarter 2007**  
**Former Unocal Facility #5123 (Chevron Site ID 306621)**  
14972 Springdale, Huntington Beach, California  
ENSR Project Number 01231-175

Dear Mr. Lambert:

ENSR has been authorized by Union Oil Company of California (Unocal), now doing business as Chevron Environmental Management Company (EMC), to perform quarterly groundwater monitoring at the site located at 14972 Springdale, Huntington Beach, California (Figure 1). The locations of former and current site features are illustrated on Figure 2. Quarterly groundwater monitoring is intended to evaluate the concentration and distribution of petroleum hydrocarbon constituents in groundwater beneath the site. This report summarizes results of the samples collected from the site during the Fourth Quarter 2007. The work was performed in accordance with the field methods and procedures included in Enclosure A. Non-purge sampling methods were used this quarter.

#### **Site History**

- The site was occupied by a Unocal gasoline service station from 1962 to 1994 when all USTs and associated improvements were removed.
- Various soil borings and monitoring wells installed in the late 1980s and early 1990s indicated impacted soil and groundwater beneath and off site.
- According to historical data from approximately 45 on and offsite groundwater monitoring wells, the groundwater impacts range across three saturated zones (A-zone, B-zone, and C-zone).
- Dual-phase extraction (DPE) was initiated onsite in April 2002. The system was shut down in January 2004 due to mechanical failure. Several attempts were made to get system up and running efficiently without shutting down. System was restarted in June 2004.
- The system was shut down on December 28, 2006, and will remain shut down until modifications can be completed to increase system efficiency.



Kevin Lambert  
Orange County Health Care Agency  
Page 3

**Future Work**

The Quarterly Status Report outlines site history, recently completed and proposed work, and current agency directives. The Quarterly Status Report is included as Enclosure D.

**Remarks/Signatures**

The interpretations in this report represent our professional opinions and are based, in part, on the information supplied by the client. These opinions are based on currently available information and are arrived at in accordance with currently accepted hydrogeologic and engineering practices at this time and location. Other than this, no warranty is implied or intended.

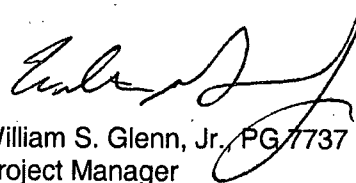
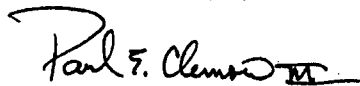
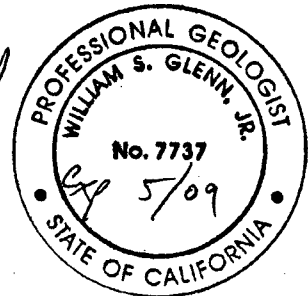
If you have any questions regarding this project, please contact Paul Clemow at (805) 388-3775 or [pclemow@ensr.aecom.com](mailto:pclemow@ensr.aecom.com).

Sincerely,

**ENSR**



Donald W. Reid  
Senior Technician

  
William S. Glenn, Jr., PG 7737  
Project Manager

Paul Clemow  
Senior Project Manager

Table 2  
Summary of Groundwater Sample Laboratory Analysis  
Former Unocal Service Station 5123  
Huntington Beach, California

Well No.	Monitoring Date	Screen Interval (feet)	Top of Casing (MSL-feet)	Depth of Well (feet)	Depth to Water (feet)	Ground-water Elevation (MSL-feet)	LNAPL Thickness (feet)	TPH-G (µg/l)	Benzene (µg/l)	Toluene (µg/l)	Ethyl-benzene (µg/l)	Total Xylenes (µg/l)	Di-isopropyl Ether (µg/l)	Ethyl tert-Butyl Ether (µg/l)	tert-Amyl Methyl Ether (µg/l)	MTBE 8021B (µg/l)	MTBE 8260B (µg/l)	tert-Butanol (µg/l)	Comments
MW-7	07/20/04	9-24	18.86	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
MW-7	11/9/2004	9-24	18.86	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
MW-7	12/6/2005	9-24	18.86	24.30	6.57	12.29	0	ND<50	ND<2.0	ND<2.0	ND<2.0	ND<4.0	ND<5.0	ND<5.0	ND<5.0	ND<5.0	ND<5.0	ND<5.0	ND<5.0
MW-7	2/7/2006	9-24	18.86	24.30	6.14	12.72	0	ND<25	ND<0.28	ND<0.36	ND<0.25	ND<0.90	ND<0.25	ND<0.28	ND<0.33	—	ND<0.32	ND<3.1	ND<3.1
MW-7	1/16/2007	9-24	18.86	24.30	6.37	12.49	0	ND<20	ND<0.5	ND<0.5	ND<0.5	ND<0.5	ND<0.5	ND<0.5	ND<0.5	—	ND<0.5	ND<2.0	ND<2.0
MW-8	01/01/93	5-35	19.55	—	—	—	0	—	—	—	—	—	—	—	—	—	—	—	Resurveyed
MW-8	02/01/93	5-35	18.9	—	9.11	9.79	Trace	—	—	—	—	—	—	—	—	—	—	—	—
MW-8	03/01/93	5-35	18.9	—	—	—	0	—	—	—	—	—	—	—	—	—	—	—	—
MW-8	04/01/93	5-35	18.9	—	—	—	0	—	—	—	—	—	—	—	—	—	—	—	—
MW-8	05/01/93	5-35	18.9	—	6.77	12.13	0	8600	9100	890	6400	—	75000	—	—	—	—	—	—
MW-8	06/01/93	5-35	18.9	—	10.04	8.86	0	11000	16000	3700	16000	—	210000	—	—	—	—	—	—
MW-8	12/01/93	5-35	18.9	—	10.15	8.75	0	4200	1500	610	4300	—	40000	—	—	—	—	—	—
MW-8	02/01/94	5-35	18.9	—	7.51	11.39	0	6200	12000	1400	13000	—	130000	—	—	—	—	—	—
MW-8	05/01/94	5-35	18.9	—	6.68	12.22	0	9100	11000	3600	23000	—	92000	—	—	—	—	—	—
MW-8	09/01/94	5-35	18.9	—	7.46	11.44	0	2300	470	480	3800	—	13000	—	—	—	—	—	—
MW-8	11/01/94	5-35	18.9	—	15.50	3.4	0	4400	4800	1300	4500	—	27000	—	—	—	—	—	—
MW-8	02/01/95	5-35	18.9	—	6.00	12.9	0	5900	2700	2400	8600	—	52000	—	—	—	—	—	—
MW-8	05/01/95	5-35	18.9	—	14.22	4.68	0	6300	5300	2300	17000	—	71000	—	—	—	—	—	—
MW-8	09/01/95	5-35	18.9	—	7.12	11.78	0	5000	2900	2500	8600	—	46000	—	—	—	—	—	—
MW-8	11/01/95	5-35	18.9	—	7.27	11.63	0	840	79	400	53.4	—	7100	—	—	—	—	—	—
MW-8	02/29/96	5-35	18.9	—	7.05	11.85	0	4100	3000	2700	10600	—	53000	—	—	—	—	—	—
MW-8	05/29/96	5-35	18.9	34.5	7.86	11.04	0	3600	3100	1700	8700	—	35000	—	—	—	—	—	—
MW-8	08/22/96	5-35	18.9	34.5	9.82	9.08	0	4300	3500	1900	6200	—	36000	—	—	—	—	—	—
MW-8	11/25/96	5-35	18.9	34.5	8.95	9.95	0	350	470	2000	2640	—	36000	—	—	—	—	—	—
MW-8	01/28/97	5-35	18.9	34.5	7.20	11.7	0	350	12	92	100	—	6400	—	—	—	—	—	—
MW-8	04/04/97	5-35	18.9	34.5	8.00	10.9	0	2900	1700	2000	6000	—	44000	—	—	—	—	—	—
MW-8	07/08/97	5-35	18.9	34.5	7.72	11.18	0	2700	180	2000	3700	—	31000	—	—	—	—	—	—
MW-8	10/30/97	5-35	18.9	34.5	9.40	9.5	0	2700	290	1600	1500	—	22000	—	—	—	—	—	—
MW-8	01/15/98	5-35	18.9	34.5	7.54	11.36	0	—	—	—	—	—	—	—	—	—	—	—	Monitored only
MW-8	07/06/98	5-35	18.9	—	6.88	12.02	0	—	—	—	—	—	—	—	—	—	—	—	Monitored Only
MW-8	12/17/98	5-35	18.9	35.15	8.50	10.4	0	4500	550	2100	3100	—	34000	—	—	—	—	—	Monitored Only
MW-8	03/10/99	5-35	18.9	—	8.37	10.53	0	—	—	—	—	—	—	—	—	—	—	—	Monitored Only
MW-8	06/10/99	5-35	18.9	—	7.59	11.31	0	—	—	—	—	—	—	—	—	—	—	—	Monitored Only
MW-8	09/09/99	5-35	18.9	—	8.93	9.97	0	—	—	—	—	—	—	—	—	—	—	—	Monitored Only
MW-8	12/03/99	5-35	18.9	35.25	10.15	8.75	0	1900	190	720	870	—	16000	—	—	—	—	—	Monitored Only
MW-8	02/22/00	5-35	18.9	—	8.77	10.13	0	—	—	—	—	—	—	—	—	—	—	—	Monitored Only
MW-8	05/23/00	5-35	18.9	—	9.18	9.72	0	—	—	—	—	—	—	—	—	—	—	—	Pump in well
MW-8	08/21/00	5-35	18.9	—	11.15	7.75	0	—	—	—	—	—	—	—	—	—	—	—	Monitored Only
MW-8	11/08/00	5-35	18.9	35.15	11.80	7.1	0	560	100	170	300	—	4600	—	—	—	—	—	Abandoned 1/31/01
MW-9	01/01/93	5-35	19.39	—	—	—	0	—	—	—	—	—	—	—	—	—	—	—	—
MW-9	02/01/93	5-35	19.39	—	11.23	8.16	Trace	—	—	—	—	—	—	—	—	—	—	—	—
MW-9	03/01/93	5-35	19.39	—	—	—	0	—	—	—	—	—	—	—	—	—	—	—	—
MW-9	04/01/93	5-35	19.39	—	—	—	0	—	—	—	—	—	—	—	—	—	—	—	—
MW-9	05/01/93	5-35	19.39	—	7.68	11.71	Trace	—	—	—	—	—	—	—	—	—	—	—	—
MW-9	08/01/93	5-35	19.39	—	13.54	5.85	Trace	—	—	—	—	—	—	—	—	—	—	—	—
MW-9	12/01/93	5-35	19.39	—	13.58	5.81	Trace	—	—	—	—	—	—	—	—	—	—	—	—
MW-9	02/01/94	5-35	19.39	—	9.11	10.28	Trace	—	—	—	—	—	—	—	—	—	—	—	—
MW-9	05/01/94	5-35	19.39	—	7.65	11.74	0	4800	2900	680	2400	—	23000	—	—	—	—	—	—

# **EXHIBIT 42**



*Infrastructure, environment, buildings*

Imagine the result

**Chevron Environmental Management  
Company**

**Third Quarter 2010  
Groundwater Monitoring Report**

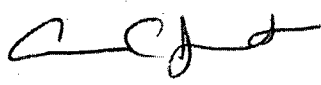
Chevron Facility No. 30-6621  
(Former Unocal Station No. 5123)  
Huntington Beach, California


OCHCA Case No. 87UT82

September 2010



ARCADIS

  
Allen C. Just, P.E.  
Principal Engineer

  
Lawrence Browne  
Project Geologist



**Third Quarter 2010  
Groundwater Monitoring  
Report**

Chevron Facility No. 30-6621  
(Former Unocal Station No. 5123)  
Huntington Beach, California

Prepared for:  
Chevron EMC

Prepared by:  
ARCADIS  
3240 El Camino Real  
Suite 200  
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California 92602-1385  
Tel 714.730.9052  
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Our Ref.:  
B0047114.0000.00001

Date:  
September 17, 2010

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TABLE 1  
THIRD QUARTER 2010 GROUNDWATER ELEVATION AND ANALYTICAL RESULTS  
CHEVRON FACILITY NO. 30-6621  
HUNTINGTON BEACH, CALIFORNIA

Well ID	Screened Interval (feet bgs)	Sampling Date	Top of Casing Elevation (feet)	Depth to Groundwater (feet)	Groundwater Elevation (feet)	TPHg	Benzene	Toluene	Ethylbenzene	Xylenes	Ethanol	TBA	MTBE	DIPE	ETBE	TAME
MW-1	7'-22'	08/05/10	20.08	10.48	9.60	1400	91	150	98	298	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-3	7'-22'	08/04/10	19.73	10.07	9.66	110	12	28	21	131	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-4	10'-25'	08/04/10	18.77	8.60	10.17	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-4B	35'-40'	08/04/10	18.82	10.56	8.26	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-4C	40'-45'	08/04/10	18.87	10.59	7.88	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-5	10'-25'	08/05/10	18.21	8.36	9.85	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-6	9'-24'	08/05/10	18.56	8.99	9.57	1,600	53	20	5	73	<50	43 J	15	<0.5	<0.5	<0.5
MW-6B	35'-40'	08/05/10	18.36	10.08	8.28	96	<0.5	<0.5	<0.5	<0.5	<50	830	5	<0.5	<0.5	<0.5
MW-6C	40'-45'	08/05/10	18.34	10.54	7.80	31 J	0.6 J	1 J	<0.5	0.5 J	<50	130	4	<0.5	<0.5	<0.5
MW-7	9'-24'	08/04/10	18.86	9.13	9.73	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-14	5'-25'	08/05/10	18.49	8.59	9.90	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-15	5'-25'	08/04/10	18.33	8.18	10.15	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-16	5'-25'	08/05/10	18.87	5.89	10.98	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-17B	30'-35'	08/04/10	19.26	10.67	8.64	49 J	<0.5	<0.5	<0.5	<0.5	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-17C	40'-45'	08/04/10	19.38	11.24	8.15	45 J	<0.5	<0.5	<0.5	<0.5	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-17L	19'-24'	08/04/10	18.71	10.06	9.65	470	2 J	2 J	2 J	8 J	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-17U	11'-16'	08/04/10	19.48	9.81	9.67	600	3 J	21	5	20	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-18	5'-20'	08/04/10	20.36	9.59	10.77	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-19	5'-20'	08/04/10	20.42	10.04	10.38	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-20A	5'-25'	08/05/10	18.27	8.86	9.41	1,500	11	45	18	84	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-20B	30'-35'	08/05/10	18.45	11.32	7.13	150	3 J	4	2 J	4 J	<50	22 J	16	0.7 J	<1	<1
MW-20C	40'-45'	08/05/10	18.52	12.06	6.46	700	200	8 J	1 J	15 J	<100	26 J	4 J	<1	<1	<1
MW-21L	18'-23'	08/05/10	23.82	12.22	11.60	3,100	280	260	98	280	<50	14 J	7	<0.5	<0.5	<0.5
MW-21U	11'-16'	08/05/10	21.34	10.02	11.32	710	51	83	27	65	<50	17 J	2 J	<0.5	<0.5	<0.5
MW-22C	40'-45'	08/05/10	22.02	11.42	10.60	180	<0.5	0.6 J	<0.5	<0.5	<50	26 J	<0.5	<0.5	<0.5	<0.5
MW-22L	18'-23'	08/05/10	24.38	12.68	11.70	2,600	290	150	93	160	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-22U	11'-16'	08/05/10	21.89	10.40	11.49	57	<0.5	<0.5	<0.5	<0.5	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-24B	35'-40'	08/05/10	19.35	10.96	8.39	29 J	1 J	6	0.9 J	4 J	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-24C	40'-45'	08/05/10	19.25	11.42	7.83	42 J	1 J	5	0.7 J	2.9 J	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-25B	35'-40'	08/05/10	19.16	12.48	6.68	2,700	740	5	15	17 J	<50	850	32	<0.5	<0.5	<0.5
MW-25C	40'-45'	08/05/10	19.51	11.46	8.05	1,100	60	79	19	42	<50	180	5	<0.5	<0.5	<0.5
MW-25L	18'-23'	08/05/10	19.46	11.04	8.42	3,500	110	100	87	107	<50	8 J	1 J	<0.5	<0.5	<0.5
MW-25U	11'-16'	08/05/10	19.45	9.90	9.55	2,300	18	14	14	22 J	<50	8 J	<0.5	<0.5	<0.5	<0.5
MW-26L	19'-24'	08/05/10	18.95	10.06	8.89	48,000	4,700	15,000	1,800	7,000	<1,000	<100	<10	<10	<10	<10
MW-26U	11'-16'	08/05/10	19.15	9.83	9.28	390	3 J	20	5	20	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-27L	18'-24'	08/05/10	18.63	9.93	8.70	84,000	6,200	29,000	2,900	14,800	<1,300	<130	<13	<13	<13	<13
MW-27U	11'-16'	08/05/10	18.93	9.25	9.68	850	16	58	10	39	<50	<5	<0.5	<0.5	<0.5	<0.5
MW-28B	35'-40'	08/04/10	22.36	11.64	10.72	550	170	4	1 J	3 J	<50	68 J	<0.5	<0.5	<0.5	<0.5
MW-28L	18'-23'	08/04/10	22.43	11.01	11.42	180,000	24,000	50,000	4,800	28,700	<1,300	<130	<13	<13	<13	<13
MW-28U	11'-16'	08/04/10	22.34	10.90	11.44	43,000	13,000	8,000	740	7,000	<500	96 J	<5	<5	<5	<5
MW-28B	35'-40'	08/05/10	21.95	11.68	10.27	4,500	2,100	11	14	13 J	<130	500	22	<1	<1	<1
MW-28L	18'-23'	08/05/10	21.79	10.59	11.20	39,000	2,300	6,300	1,200	6,400	<500	680 J	180	<5	<5	<5
MW-28U	11'-16'	08/05/10	21.80	10.35	11.45	540	1 J	2 J	<0.5	0.6 J	<50	51 J	0.7 J	<0.5	<0.5	<0.5
MW-30B	35'-40'	08/04/10	21.93	11.47	10.46	190	<0.5	<0.5	<0.5	<0.5	<50	2,100	0.5 J	<0.5	<0.5	<0.5
MW-30L	18'-23'	08/04/10	22.02	10.31	11.71	110	2 J	1 J	<0.5	0.3 J	<50	580	1 J	<0.5	<0.5	<0.5
MW-30U	11'-16'	08/04/10	21.90	10.98	10.92	2,000	250	6	4	77 J	<50	29 J	19	<0.5	<0.5	<0.5
MW-31	18'-23'	08/04/10	21.99	9.06	12.93	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<0.5	<0.5	<0.5	<0.5
DPEW-1	7'-25'	08/05/10	24.48	13.44	11.04	63,000	7,500	19,000	2,600	10,100	<1,300	<130	<13	<13	<13	<13

## NOTES:

- (1) All elevations are in feet relative to mean sea level.  
 (2) Data prior to August 2009 from AECOM's Quarterly Groundwater Monitoring Report, Second Quarter 2009.  
 (3) TOC elevations (Aug 2007 - present) from August 16, 2007 survey by W. Tom Foster Surveys of Santa Ana, CA.  
 (4) TOC elevations for wells MW-21L, MW-21U, MW-22C, MW-22L, MW-22U, MW-28B, MW-28L, MW-28U, and DPEW-1 resurveyed April 30, 2010 by Cal Vista Surveys of Corona, CA.  
 (5) Screened intervals for wells MW-4, MW-5, MW-6, and MW-7 are estimated from historical documents.

## LEGEND:

- TPHg = Total petroleum hydrocarbons as gasoline  
 TBA = Tertiary butyl alcohol  
 MTBE = Methyl tertiary butyl ether  
 DIPE = Di-isopropyl ether  
 ETBE = Ethyl tertiary butyl ether  
 TAME = Tertiary amyl methyl ether  
 -- = Not available  
 ND = Not detected  
 <22 = Analyte not detected at or above the indicated method detection limit  
 [Number] = Duplicate sample result  
 J = Value is between method detection limit and laboratory quantitation limit